DEBATES IN CONGRESS.

PART III. OF VOL. XII.

REGISTER

OF

DEBATES IN CONGRESS,

COMPRISING THE LEADING DEBATES AND INCIDENTS

OF THE FIRST SESSION OF THE TWENTY-FOURTH CONGRESS:

TOGETHER WITH

AN APPENDIX

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND THE

LAWS, OF A PUBLIC NATURE, ENACTED DURING THE SESSION:

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after they had reached their destination? Unless he had satisfactory reasons to believe it was his interest, he would be just as far from doing this as a high-minded merchant from a western city would be from asking it, or receiving it if offered.

All who have assumed to represent the feelings of the merchants of New York, embraced by this bill, have expressly disavowed, on behalf of those merchants, a desire or even willingness to accept of the proposed measure, as a favor, boon, or charity, from the Government. They say they rest this claim upon its intrinsic justice; that it is founded on correct principle; and demand of us, as a matter of right, the passage of this bill; to prove which, they assume that the importer is a mere agent of the Government; that the bond he executes for duties is executed under a sort of legal restraint; that his contract is not voluntary. Both of these positions I consider altogether untenable. The importer cannot, in my conception, be understood to sustain to the Government the relation of an agent to his principal. It certainly cannot be, as the supporters of this measure have contended, that the importer sustains to the Federal Government the relation that the collector of the revenues in the States does to the State Governments. The collectors of the ports, as I understand it, answer to the place of the collector of the revenues in the States, and the importer, to every intent and purpose, answers to the place of tax payer.

The collectors of the revenues in the State Governments have no right of property in the taxes they collect, and are, in strictness, agents, just as much as the auctioneer is the agent of the owner of the goods which he sells. An agent has no right of property in the article the owner has placed in his hands: the owner has the entire right; and thus the one is easily distinguished from the other. Is not the importer, then, to every possible intent, the owner of his imported goods? Can he not keep and use them himself, or retail or wholesale them out, or refuse to do either, at his own option? None can deny this. And, if so, how can it be contended that the importer sustains the relation to this Government of a mere agent? It really seems to me the position is too self-evidently fallacious to be susceptible of elucidation. The gentleman from Massachusetts contends that it is the spirit and intention of the law that the consumer, and not the importer, should pay the duty. And hence, before the goods are sold to the consumer, if they are destroyed by fire or other accident, the importer should be released from the duty. Now, whilst I readily admit the practical effect of imposing duties upon importations, in this as in every other country, is, that the consumer pays it, I do deny that there is any thing in the spirit and meaning or policy of the laws imposing duties on importations that requires a sale by the importer, or a consumption of the article imported, before the Government has a right, in justice and in law, to exact its duties.

When an importer introduces a foreign article into this Government, he acts with a view of making a profit by it. If it be in great demand, he perhaps makes a heavy profit; if in less demand, his profit diminishes in the same proportion; if it be in no demand, he perhaps fails in his sale, and loses upon the article. He makes his importation with a full knowledge of all his risks, and only does it because of his conviction that the prospect of a good profit is greater that the probability of a loss. His is a chancing bargain; and, if he lose by it, nothing but just one of those contingencies which, in the nature of things, must occasionally occur, has transpired, and he has no just ground of complaint. Suppose an importer introduce a quantity of some article subject to become worthless, and, after he enters it, and gives his bond for the duty, it actually becomes worthless, will it be contended the importer shall be released from the duty, because the article had not gotten off his hands before it spoiled? Surely, none will so contend. As well might it be contended that, if such article had enhanced in value, the Government should be entitled to the increased value. Such risks are incident to the nature of the business; and every rational man who engages in it so calculates, and lays his profits accordingly.

I do not consider that the profit or per cent. which the importer makes upon his importation is the consideration that supports and renders valid the bonds given by him for duties, but it is the privilege of importing, and taking the chance of making a profit, that constitutes their real consideration. The Government does not undertake to guaranty to the importer a sale of his imported goods, or a profit upon that sale. None, it is to be presumed, will contend that the importer who has failed to realize more than cost and carriage for his cargo, shall claim to be released from the duties he owes his Government, because he was unable to make a sale covering cost, carriage, and duty.

The consideration of a bond for duties is exactly analogous to that of one executed for lottery tickets; the purchaser only buys a chance for a prize, and not the prize itself. And the purchaser of a ticket could, with just as much propriety, go to the agent of those who have made a lottery, and ask for his money back after he had drawn a blank, as the importer can come to us, sir, as the agents of the people, to whom all duties belong, and ask us to forgive him his bond, or to extend him a credit averaging four years; for it will be borne in mind that those who have advocated this bill have avowed an intention of sustaining another bill to release the duties on all goods that were destroyed in the hands of the importer; and no small proportion of their arguments have borne on this question. But further to elucidate my understanding of the practical operations of the chancing bargain of the importer—suppose those sufferers by the fire in New York had, since the fire, imported French goods to the value of 20,000,000 dollars, and a war with France, or a total exclusion of all French goods from our ports, had been determined upon by Congress: would not those importers have felt themselves entitled to all the advantages accruing to them in such a contingency? would they not, as sensible men, have improved their fortuitous position to make a much greater profit on these importations than they anticipated when they engaged in the enterprise? And who would ever think of their dividing their profits, thus greatly increased, with the Government, by whose immediate action those profits were enlarged?

The gentleman from Massachusetts says, although it is the intention of the law that the consumer should pay the duty, and not the importer, yet the situation of the importer is altogether different from the merchant in Cincinnati, who may have purchased from the importer; the importer, being a kind of agent of the Government, has a right to demand his duties back of the Government if the goods imported be consumed before sale; but if the Cincinnati merchant buy the whole cargo, and it is consumed by fire, whilst his, though perhaps unremoved, the Government ought not to interfere, because one is a sort of agent of the Government, and pays the duty, and the other does not. Is this not rather a distinction without a difference? In neither case has the article reached the hands of the consumer. And if the gentleman's argument be good, that it is the intention of the law that the consumer should pay the duty, would it not as much defeat that intention in the case of the Cincinnati merchant as in that of the New York importer; and as much in the case of the village merchant, who is perhaps the third owner, as in either instance?

But it is contended again by the gentleman from Massachusetts, that the laws imposing duties operate as a legal restraint on the natural right of the importer; that he is compelled to execute his bond before he can land or enter his cargo, and therefore the bond is not altogether voluntary, and that in this it essentially differs from an ordinary bond given to a private creditor by his debtor. There may, at first blush, be an apparent difference in the two cases; but, on examination, I think it will be found that there is no essential or material difference. I hold that a merchant enters upon the pursuit of his chosen avocation, with a knowledge of the laws by which the wisdom of the nation has regulated it. He knows that when his ship arrives in port he has to execute his bond, with approved security, for the duties on his cargo, before he can land or enter it in the custom-house. With a full knowledge of all this, he, as a free agent, laboring under no legal compulsion or restraint, voluntarily enters upon the business of an importer, it is to be presumed with a knowledge of, and a willingness to comply with, the laws regulating the imposition and collection of duties. Hence, with great deference to the opinion of the honorable gentleman, I cannot admit the validity of his position, that the contract between the importer and his Government is not entirely voluntary, and that it differs essentially from one between a private creditor and debtor.

Every pursuit has its peculiar advantages and disadvantages. We find the rewards of labor in the thousand various pursuits of life, from the humble day laborer up to the most enterprising and hazardous merchant, are generally small in proportion to their certainty, and enlarge as they grow more uncertain. Hence, he who is content with the meager supply of the absolute necessities of an humble life will adopt the pursuit of a day laborer, because the reward of his labor is immediate and certain; he draws each night the wages of the past day, and retires to his humble dwelling to rest from his labor, free from all the cares and perplexities to which others of large possessions or multifarious engagements are subject. He, however, who is not content with his condition, will perhaps adopt the business of a tiller of the earth, the rewards of whose labor, though more uncertain, and not so immediate, are yet larger in proportion to their greater uncertainty. An early frost, or an unusual storm, may occasionally sweep from him the fruits of months of labor; yet, as such occurrences are rare, and the inducements in the way of profit are great, we see the great mass of our fellow-citizens engaged in agriculture. But when the early frosts come, and cut short the crops of the farmer, he is conscious that it is nothing but what, from the nature of his business, he had reason occasionally to anticipate, and never thinks of asking the Government to supply his loss. So, again, he who is ambitious of great wealth, who has no relish for mediocrity, and who, from the peculiarity of his organization, is happiest when most excited, which is when his prospects of gain and hope of profit are greatest, adopts the pursuit of an importer, who, whilst he shares undividedly the immense profits attending prosperity in his pursuit, should not, as a just man, when adversity comes, desire his fellow-citizens, which is but another name for his Government, to remunerate him for his losses. I cannot perceive that his claim for relief has any more foundation in principle and justice than that of the farmer whose crop has been cut short by the frosts or an unfavorable season.

Upon the subject of the warehousing system of England, about which the honorable gentleman has exhibited much learning, I will barely remark, that the only material practical difference between it and our system is, that there the risk of the importer is less than in this country, and he lays a less profit to cover that less risk. Our merchants, enlightened and intelligent, as the gentleman has just said they are, lay a profit upon their business that bears a proper proportion to their risk: as evidence of which, take the importers of goods to this country for the last twenty years; look at the amount of capital invested by them in their business, and then see whether, under all the supposed hardships of our system, the same amount of capital has been employed by the same number of men, with any thing approaching the same profit. It cannot be the policy of this Government, by partial and individual legislation, to contribute to the amassment of overgrown wealth in the hands of any particular class of its citizens. The people in every community are most happy when there is least inequality in their wealth; and as the happiness of the people is the prime object of this Government, we should be slow to indulge in a course of partial legislation, calculated to defeat that great object. Our Government has a just and natural right to demand of its importers duties upon their importations, in return for the millions of dollars it annually expends in protecting and affording facilities to their commerce, among the most conspicuous items of which stand the expenses of our navy and our diplomatic corps. It is unjust that the Government, which is but another name for the whole people, should lay out and expend millions annually for the protection of a portion of its citizens, in a particular pursuit, and get nothing in turn for it to the common Treasury.

The honorable gentleman further insists on the propriety of this measure, because of the immense amount which the port of New York has yielded to the Treasury, exceeding, as we are informed, $260,000,000, and now annually equalling one half of all the duties of the Government. And it is urged with great zeal and earnestness upon the Government, that merchants who have done this much have a right to claim its special protection. Now mark, Mr. Chairman, that the friends of this bill have contended that the spirit and meaning of the laws imposing duties on imports are, that the consumer shall pay them; and all admit that, in general, the practical operation of these laws is, that the consumer pays the first costs, the carriage, the profits of all the intermediate owners, and the duty of the Government, on every thing that is imported. If, then, this be correct, can it be said that New York is entitled to the credit of paying the taxes and supporting the Government? It is the products of the tillers of the earth, sir, that go abroad and return in the shape of foreign commodities through the port of New York, that fill your coffers; and New York collects and pays over to the Government the duties, and then turns round and says she is the supporter of the Government. Does she, sir, do this service without compensation, that she should claim so much merit for it? Let us look into this matter. She keeps for her trouble ten per cent. on the amount collected, and this is the lowest estimate that is placed on the expense of collection; so that, in truth, we perceive that she has charged us at least $26,000,000, for the services rendered us in collecting and paying our own money! And yet we are asked to pass this measure for her benefit, which is, in effect, a donation of upwards of $318,000. I, for one, am opposed to this extension of the credit on these bonds, upon principle, and because I think the precedent will involve the country in immense troubles and difficulties; but if it be extended, I insist, in justice to the balance of the citizens of this Government, that the obligors be required to pay interest upon their bonds.

We have heard much said, Mr. Chairman, in commendation of the city of New York; she has been justly called the London of America. We are truly told that she belongs alike to all the citizens of our wide-spread republic, and that every one has cause to be proud of her. Her representatives tell us that she is so complete-

ly the heart of these United States, that a derangement of any of her functions, like a derangement of the healthful operations of the functions of the human heart, will be severely felt by all the different members. We are told that every city, village, and hamlet, in the land, will feel the effects of this calamity, unless we extend the relief contemplated by this bill. We have been told that a large proportion of the banking capital, upon which the enterprise and the business of the West and Southwest are predicated, belongs in New York; and, unless she is relieved by our timely interposition, that this portion of the Union is to feel the shock with peculiar force. We, the representatives from Kentucky, have been admonished to look before we leap; and see that our opposition to this bill does not conflict with the best interests of our constituents, and, as a natural consequence, amount to a misrepresentation of them. We, sir, are advised, in a most special and significant manner, by the gentleman from New York, that very much of our banking capital belongs to that city, and that the vacuum occasioned by the late destruction of capital there, unless this measure should be successful, must and will be supplied by funds withdrawn (by the New York capitalists) from the West.

I, Mr. Chairman, am not unapprized that a heavy pressure in New York would be sensibly felt by the people of Kentucky, and by no portion of them so sensibly as my immediate constituents, the citizens of the city of Louisville and the circumjacent counties; that city presents a grand and magnificent specimen of the incalculable resources of the West, and most particularly of Kentucky, which (I hope I may be permitted to say, without incurring the imputation of egotism, what all impartial writers have said) is the garden of the world. The history of the world, under similar circumstances, sir, presents no parallel to the rapidly increasing population and commerce of this city, which, sir, though for months in the dry season of every year is inaccessible, except for boats of a small size, has more than doubled her population of 10,000 since the census of 1830, and now possesses more commerce by one fourth than her very flourishing and enterprising sister, Cincinnati, which, in 1830, possessed a population near three times as great as hers. I am proud of a station upon this floor as the representative of such a city; and as long as I am honored with its confidence, its best interest shall find in me, though a feeble, yet a devoted and assiduous advocate. But, sir, I should feel myself an unworthy representative of my constituents, who consider of, and act upon, every subject connected with the public interest with expanded and enlarged views, were I not to act upon this subject with views which I consider to be correspondingly liberal and enlarged. I, sir, however, do not consider that we act upon this subject with views sufficiently enlarged, when we confine the operation of this measure to the present effects to be produced upon New York, and such other sections as may feel the consequences of the late fire; but we should look forward to the effects that this act is to have as a precedent to future legislation in this hall. I believe the laws regulating the collection of our duties are not unwise. I believe they reflect the image of enlightened public opinion, upon which all the laws of this Government rest; but if they are wrong and oppressive, let us change the system, and let it be uniform in its operation, so that the citizens of every State, whether represented on this floor by the influence and votes of one or forty members, shall experience equal benefits from it.

Then, sir, I do admit that this fire will produce a pressure in New York, and that its effects will, in some degree, reach my constituents; and that the proposed measure would, to some extent, alleviate that pressure. But, sir, it does not hence follow that I can support it; it does not follow that my constituents, if standing in person here, would support it. I know them well enough to assert, and I do assert with pride, as their representatives that self-interest is no unerring test of their support of a particular measure, and that they would not hesitate to oppose this bill, even though they were the immediate sufferers, and were intended to be the recipients of the favor, if they thought it wrong in principle and bad in policy. Therefore I oppose the bill, believing, as I conscientiously do, that I could not vote for it except in violation of important principles and sound policy.

But, sir, let us consider of what appears to me to be another very weighty objection to this bill. It will be seen, by the first section, that every merchant who has suffered a loss to the amount of one thousand dollars shall have credits, equal to an average of four years, on the whole amount of his bonds, from and after they fall due. Now, suppose an importer is indebted $50,000 for duties to the Government, and has lost $1,000 by the fire, calculating the use of his money worth to him six per cent. per annum, he makes a nett profit, over and above his loss, of $11,000. And off of whom? The people--the righful owners of it, to whom it is always worth at least six per cent. per annum, and who have as much right to the interest as the principal.

I hold, as it respects the second section of this bill, unless the credit asked is extended with the sole view of better securing the collection of bonds embraced by it, that there is no more propriety in extending the proposed credit than in taking the amount of $3,000,000 out of the Treasury, and loaning it to the merchants of Philadelphia, Cincinnati, or Louisville; to do which we are prohibited by considerations of policy not less than those of a constitutional character.

I am not one of the number who believe that a check on the growth and power of the city of New York will be attended with those blasting and ruinous effects on all parts of this Government which some seem to anticipate. Whilst I am the last to desire a calamity to befall New York; whilst I am entirely content that she may enjoy and improve those benefits which nature has given her, I should be happy to witness, in Boston, Philadelphia, and Baltimore, rival cities, commanding an equal commerce and an equal power. I must confess, occurrences have transpired, and ideas have been suggested, in connexion with the power and importance of that city, which have rather aroused my apprehensions.

We are told she is the heart of this nation, and to allow her commercial operations to become deranged is to derange every member of this whole Union, in all its ramifications; that already she has extended to the West and South loans and accommodations to the amount of twenty-nine millions of dollars, and already do we hear the representatives of the people admonished, that if they do not attend to the present demand of the city of New York, their constituents will feel the effects of a refusal. How long will it be, if she continues to increase in her commerce, and population, and power, and money, as in years past, before she can come into this hall, and say, through her representatives, that the interest of this city of ours requires this, that, or the other, legislative assistance, perhaps the use of twenty or fifty millions of dollars, as a loan from the Government, without interest, for four or forty years, in order to sustain herself under her "much-abused spirit of enterprise," and to admonish a majority of the members that if they refuse the demand, their constituents, who have the use of millions of New York money, will be made to feel the effects of the refusal?

I, for one, Mr. Chairman, do protest in my place against New York, or any other city, advancing to such an eminence of power. I hope never to see any city in

these United States sustain to them the relation Paris sustains to France. God forbid that New York shall ever become what the advocates of this measure have denominated it--the same to our political system which the heart is to the corporeal system.

We have heard much, Mr. Chairman, from a certain quarter, though not from Massachusetts, about a moneyed corporation wielding dangerous powers that were likely to overshadow the liberties of the people. I should be pleased to know whether the gentlemen, who were in by-gone days so sensitive about moneyed influences, are now to be found among the number who are admonishing the West to mark well their course on this subject, and see that they do not run counter to the interests of their constituents. We have been told that New York has acted the part of a kind, fond, indulgent, and confiding mother, to the cities and villages of the West. I do not wish, sir, to create any sectional jealousies upon this or any other subject that comes before this House, for I consider it an improper mode of legislation; but I will barely remark, that whilst I have learned there is much of enterprise, industry, and prudent financiering, in the New York character, I had not read so far into their history as to ascertain that they were in the habit of extending their kindness and indulgence much farther than the dictates of interest might chance to suggest. I suppose the merchants of New York occasionally extend time to their western customers after their obligations fall due, but I have not within my recollection heard them charged with refusing a little interest by way of indemnity for the forbearance. And we in the West say to the merchants of New York, if it be inconvenient to pay your bonds when they fall due, it is but just you should pay interest for the indulgence.

The gentleman from Massachusetts, as an additional reason why this bill should pass, brings to the view of the House the immense loss which the fire has caused to New York; he has told us to set down the destruction of goods and buildings at $25,000,000, (which I think exceeds by $8,000,000 any previous estimate I have heard,) and to that add the amount of credit that such a sum would give merchants of good character, and also the amount of profit that such a capital would reasonably have yielded merchants well established in business, and the additional loss consequent on the destruction of their account books and papers, and the amount would be astounding. I agree that the loss to New York has been immense; but it would very much puzzle the gentleman from Massachusetts, learned and able as all admit him to be, to demonstrate, to the satisfaction of an impartial judge, that New York can sustain herself under such a loss, amounting, if his calculations be not magnified, to at least $100,000,000, and yet be unable to meet the demands of the Government to the amount of between three and four millions. If they can maintain their credit unimpaired under all these losses; if, as it seems to be admitted on all hands, not a failure has occurred, so far, among all the Government debtors, it seems to me that gentlemen who have warned us to pass the bill, or great losses must be incurred by the Government from the failure of these merchants, are rather disposed to deal in fancy more than in reasonable calculations, predicated upon probabilities.

The gentleman from Massachusetts has felt himself called on to give the gentleman from Rhode Island [Mr. Pearce] a gentle rebuke for the course he has seen proper to adopt upon this subject; he seems to think the effort of that gentleman, in proposing an amendment to the bill, was intended to excite, in other classes, a prejudice against that class of the community for whose relief it was intended. Now, sir, whilst I trust I shall ever be the last man on this floor, or elsewhere, to say or do any thing with a view of exciting the mechanic or farmer against the merchant, or any one portion of the community against other portions, engaged in different pursuits, (for I consider they are all necessary to make up a prosperous community, and are dependent on each other for their prosperity,) I do most honestly accord in opinion with that gentleman, that, instead of bestowing our charity on importing merchants who are untouched by the fire, we could with much propriety, if we had the constitutional power to dispense charity to any, extend it, in the present instance, to the helpless widows and starving orphans, whose whole means of subsistence, vested in the insurance offices, as the only stocks in which their limited resources would yield them a support, were in one night swept from existence, and they thrown fatherless, friendless, and penniless, upon the cold charities of the world.

When Mr. Graves had concluded—

Mr. CUSHMAN rose and said:

Mr. Chairman: Whether I should agree with gentlemen who have preceded, upon the subject of the warehouse system, or not, is a question which need not now be decided. And although much has been said in regard to the payment of duties, whether it be the importer or the consumer can have no influence with me in the formation of my opinion upon the subject now under consideration. It will be the best time to discuss those subjects when they shall come before the House with more relevancy.

The design of the bill, upon which we are now called upon to act, is to grant relief to those who have suffered by the recent calamitous fire at the city of New York; and, excepting the proviso in the first section, presents two questions, and, in my opinion, only two questions, which require an answer. The first is, whether Congress has the power to grant the relief which is solicited; and the other is, whether it be expedient so to do.

I, sir, entertain no doubts as to the constitutional power of Congress to grant all relief which this bill proposes to give, excepting what is contained in the proviso to which I have alluded.

All that is contemplated by the bill, excepting the proviso, is to grant to those who have suffered by the late distressing fire at the city of New York an extension of credit upon all bonds which have been given to secure the payment of duties, and which they now owe to the Goverement. In this particular, Congress ought to exercise a sound discretion. It is not improbable that, should the Government press this unfortunate class of debtors to make immediate payment, much might be lost, which otherwise would ultimately be saved for the benefit of the country. Every man who is acquainted with business knows that lenity oftentimes is productive of great good, both to the creditor as well as the debtor. Such I doubt not would be the case in the present instance. So far, therefore, I think we may safely follow the examples which have been set before us by the action of Congress in previous years. The gentleman from New York, who made some very appropriate remarks upon this subject the other day, called the attention of the committee to similar relief which had been granted to the inhabitants of the town in which I have the honor to reside. It is true, sir, that in the years of 1802, 1807, and 1813, the town of Portsmouth, New Hampshire, was visited by very calamitous, destructive, and distressing fires; on two of which occasions Congress readily granted relief to the sufferers by extending the time of payment of all bonds then due at the custom-house for one year, and for one year only. This bill proposes to extend the time of payment of similar bonds from three to five years. The principles involved, however, are the same, whether it be for one or for five years. And if Congress have the right to extend the time of

payment, to those who owe the Government, for one year, it may do it for five. And believing, as I do, that we have the power to grant relief thus far, and that it is also expedient that this power should be exercised on the present occasion, I shall cheerfully give the bill my support, provided the same shall be amended agreeably to the motion made by the honorable gentleman from Kentucky.

But the principles involved in the proviso above mentioned do not meet my approbation, and are such as I shall not consent to sanction. It is my desire, therefore, to procure the amendment which has been proposed; without which, I shall be compelled to give my vote against the passage of the bill. And, sir, as precedents have been quoted as a reason why we should grant an extension of credit to the above-named sufferers, I ask the indulgence of the committee while I call its attention to one precedent, at least, which was established at a very important crisis in the history of this country; a period when the souls of men were tried; a period when our forefathers pledged their lives, their property, and their sacred honor, for the achievement of American independence. While, sir, this tremendous struggle was going on, at the expense of so much suffering of blood and of treasure, the town of Falmouth, now the city of Portland, Maine, was consumed to ashes by that vindictive foe with which this Spartan band was contending; in consequence of which, the inhabitants of that place were reduced to a suffering condition not easily described. And, sir, in this hour of unspeakable distress, when the inhabitants of that town were without food, without clothing, and without a shelter from the storm, they petitioned to the continental Congress, then in session at Philadelphia, for relief. And if there ever was a case which would authorize that Congress or any other to grant relief, that was one. But, sir, how was the fact in this case? Was the prayer of this petition granted? Were the inhabitants of the town of Falmouth, thus reduced to wretchedness, relieved by the patriot band who composed that Congress? No, sir, they were not. But the prayer of that petition was rejected. Rejected, however, not because they had no sympathy to bestow upon suffering humanity, for I presume there never were men more alive to the sufferings of their fellow-creatures than those who were then assembled in that continental Congress, but because it established a dangerous precedent; a principle which could not be carried out, without jeoparding the best interests of the country.

Mr. Chairman, according to the information which I have received, the prayer of that petition was opposed upon the ground which I have stated—that it was then asked, who would raise the veil of futurity? Who could tell how long it might be before the same unrelenting foe might lay in ashes the city of Boston, of New York, and every town and city upon the whole Atlantic coast? Grant relief in one case of this sort, it must be done in all others of a like character, which, for aught any mortal man could tell, might in a very short time involve the country in a dilemma from which there would be no escape. It would be establishing a principle which would make the Government the underwriters for all the property in the country: establishing a principle which ought not for a moment to be tolerated. And, sir, there is, in my opinion, no difference between that case and the one now under consideration, excepting that was a request for a donation, and this is a request for the loan of money for three, four, and five years. But the effect upon the operations of the Treasury for the time being would be the same in one case as in the other. Let Congress to-day loan to the sufferers by fire in the city of New York one million of money, who among us can divine that, upon the same principle, we may not to-morrow be called upon to bestow a similar benefit upon others equally deserving? If this were to be the only calamity of this character, then adopt the proviso contained in this bill, for no great injury would thereby accrue to the country. But so long as the inhabitants of New York, as well as of every other town or city, shall be subject to similar calamities, we cannot grant the relief proposed in the proviso of this bill without becoming the underwriters or insurers of all the property in the country.

But, sir, I am opposed to retaining this proviso in the bill, not only because it would establish a dangerous precedent, but I am opposed to it because I believe it would violate both the letter and spirit of the constitution. From the phraseology used in this proviso, we should not, perhaps, come at once to such a conclusion. But, sir, in plain English, it amounts to nothing more nor less than a request for the loan of money. The words used are as follows, viz: "that those who may have paid their bonds subsequent to the fire shall also be entitled to the benefits of this section, and that the said bonds shall be renewed from the day when the same were paid." That is, all those who paid their bonds after the fire shall have the amount thereof refunded, upon giving new bonds to the collector, payable in three, four, and five years. Clothe the principles involved in this proviso as you please; wrap them in as much mystery as may be, still I again say, sir, the plain English of the whole proviso is to authorize the collector of the district of New York to loan out upon bond all the money which he has received thereon since the fire. I am willing that the collector of that city may continue to be the receiver of public moneys; but he shall not, with my consent, be appointed to loan out the money belonging to the people. Where is the money which has been paid to the collector since the fire, in payment of bonds due the Government? If it be still in the hands of the collector, then Congress has no power over it. The only way in which he can be reached for that amount of funds is upon his bond; but if they have gone, as they ought, into the Treasury, then that money cannot be drawn therefrom, except by special appropriation. The patrons of the bill have asserted that, should the proviso be retained in the bill, that of itself will make an appropriation, to be disbursed by the collector, as therein contemplated. Well, sir, for the sake of the argument, I admit that such would be the effect. But the patrons of the bill may grasp either horn of the dilemma which they choose. If it has not gone into the Treasury, then Congress is called upon to loan out money, over which it has not any control; and if it be in the Treasury, then Congress have no right, no power, to make the contemplated appropriation. In neither point of view, therefore, can I vote in favor of retaining this provision of the bill. I ask the committee, if a proposition were now before Congress to appropriate five millions of money, to be loaned out on bond by the collector of the city of New York, whether this committee would consent to grant such appropriation? This, sir, is the true test. All those who would make such an appropriation, and appoint the collector of the city of New York to be the agent of the Government to loan out the money, will vote against the proposed amendment. But, sir, all those who believe that Congress has no constitutional right to establish a broker's office, for the purpose of letting out the money of the Government, will vote with me in favor of striking out the provision of the bill which has been mentioned. If this be done, the bill shall have my support; otherwise not.

Mr. BROWN said he had obtained the floor not so much with a view to enter into an elaborate examination of the principles of the bill, as to recommend it earnestly and urgently, but respectfully, to the immedi-

ate action and final judgment of the House. A proposition similar in its character had been introduced by the Committee of Ways and Means near two months since, and it was upon the 20th of January that the bill under discussion came from the Senate, with nearly the unanimous approbation of that body. Honorable gentlemen could not but be aware of the consequences of this inactivity on the part of the House of Representatives. Bonds for a large amount were lying over, due and unpaid at the custom-house: the public creditor had encountered difficulties in making his usual entries; the importers of foreign goods found their business in a state of doubt and uncertainty; commercial interests and operations of the greatest variety and magnitude were suspended upon the issue of the question; and he earnestly hoped, he entreated, that whatever was done, whether it should be the adoption or rejection of the bill, or the substitution of some other measure of relief in its place, should be done quickly and without further delay.

He confessed he had been unable to see the force and efficacy of some of the arguments offered in the progress of the debate. It had been said (with great truth, he was willing to believe) that the New York merchants had discharged all their obligations to the Government, with promptness and fidelity, and, in the aggregate, had paid more than three hundred millions into the Treasury. This fact, so creditable to their enterprise and honorable to their character, could have no influence upon his mind. It could form no foundation for legislative aid or interposition in a case like the present. It did, indeed, afford the best assurance to the nation that the bonds would be faithfully paid, when they came to maturity, but beyond that it could not have the weight of a feather upon the judgment of the committee. He might as well be told that the receipt of eleven millions within the past year from the sale of the public lands would justify and support the multiplied claims upon the national domain, which were so repeatedly and perseveringly pressed upon the consideration of Congress. Arguments in the form of appeals to the passions, to the sympathies and sensibilities of members, were alike feeble and ineffectual, and must be rejected as inapplicable to the business of national legislation. He was not insensible to the multiplied and innumerable instances of individual and personal suffering—to the wreck of private fortune—the destruction of private property—the unmitigated ruin and desolation—which had followed in the train of the late fire in New York. Wherever like calamities visited the abodes and habitations of men, whether they fell upon the great cities of the seaboard or the more humble hamlets of the interior, such were their terrible and inevitable consequences; yet he doubted very much whether it was upon such considerations as individual distress or personal suffering that the principles of the bill could be maintained, or its provisions recommended to the favorable opinion of the committee. There were a large and numerous portion of the sufferers (and by far the most helpless and indigent, and on that account the most meritorious portion) who were, unfortunately, beyond the reach of any aid or assistance which Congress could give; and they found themselves in this position, not because they were without equal and paramount claims upon the public sympathy, and equally and especially the objects of the public bounty, (could that bounty be legally and constitutionally exercised,) but solely because they maintained no connexions or relations with the Government which could authorize or justify its interference in their behalf. Honorable gentlemen had objected to the bill because the relief it proposed to grant was partial in principle, and would be unequal in its application; that it did not embrace within its provisions the poorer and more humble class of sufferers, as well as the importers of foreign goods. He was willing to admit there was force in the objection, and he as willingly believed that no bill could be framed adapted to all the exigencies of the case. But if the event out of which the measure originated was such as justified and demanded the interposition of Government, upon considerations which he would name hereafter, it should not fail, and be defeated, because it was impossible to make it equal and universal in its operations. Limited and restrained as the power of Congress necessarily was, upon no question could it be more circumscribed than upon a proposition to mitigate the consequences of calamities such as formed the subject of the present debate. Governments do not undertake to repair the losses of their citizens, occasioned by fire, by flood, or by tempest, nor to insure against the multiplied accidents to which property and the acquisitions of industry are perpetually exposed. However deeply (said Mr. B.) our sympathies may be awakened, and our feeling excited, by the eloquent and touching appeals which honorable members have felt it their duty to make; however grateful it might be to us, individually, to extend relief to the suffering citizens of New York, without qualification or distinction, we cannot forget that we are here to represent others, not to act for ourselves. We are here in the exercise of a specific and limited authority, that the public treasure is not at our disposal for the purposes of benevolence or charity. And if we interfere at all, it must be upon some known and positive principle of policy and expediency, having immediate connexion with the public interest. He thought he had been able to find the existence of that principle in the relations maintained between a portion of the sufferers and the Government, in regard to the collection and security of the revenue, and in the obligation imposed upon Congress to sustain the financial and commercial operations of the country, under the pressure and derangement consequent upon the destruction of so large an amount of its active capital. The importing merchants were the debtors of the Government upon custom-house bonds for something like four millions of dollars. They were the agents of the Treasury in the collection of its revenue. A sudden, unforeseen, and appalling calamity, without a parallel in human history, had consumed their resources, and crippled their energies. The duties secured upon the bonds would, most probably, all be realized, if the time of payment was postponed; but if immediate payment was pressed, no one could undertake to say what the result might be. Congress was not asked to give away the money, nor to release the debts, but only to prolong the credit to a more propitious period of time. Was there any thing unconstitutional or unreasonable in so plain a proposition? Could it be an unjustifiable or an improper exercise of authority, for the Government to do that for the suffering public debtor which no gentleman could refuse to his private debtor, while laboring under similar misfortunes? It was manifest to his mind that the passage of the bill under consideration would not only increase the security of the Government, and afford the public debtor time and opportunity to meet his engagements, but would also supply the business transactions of the country with a portion of that element so essential to their vigor and vitality.

The city of New York, from her superior position, her facilities for commercial intercourse, and vast extent and variety of her foreign and domestic transactions, exercised a powerful and controlling influence over all business pursuits and occupations of men. Her enterprising and adventurous capitalists have pushed their investments into every region of trade and every department of human industry. Their ships were seen upon the bosom of every sea, and their canvass was swept

onward with the force of every gale. It was substantially their means which enabled the Government recently to realize eleven millions from the sales of the public lands. The bank and trust company stocks, the stocks created for internal improvements, in every section of the Union, are, in a great measure, based upon their credit and resources. The western States had been liberal, if not prodigal, in the creation of such property within the past year; the State of Indiana alone had authorized a credit of ten millions, for purposes of internal improvement, and it was not more certain that the waters of the Wabash and the Mississippi would continue to flow onwards and mingle with the ocean, than that all these stocks would ultimately seek a market in the city of New York. No portion of the country could be indifferent to the annihilation of twenty-five millions of capital in a single night, and he could not believe it possible that the Government would withhold the aid contemplated by the bill from those who had encountered the first fury of the storm.

The bill embraced within its provisions two classes of public debtors having bonds at the custom-house in New York; those who had lost property by the fire exceeding in value the sum of one thousand dollars, and those who had not suffered such loss. It proposed to extend the time for payment of the bonds of the first class, amounting to something like one million, to periods not exceeding three, four, and five years; and the time for payment of those of the second class, amounting to nearly three millions, for six, nine, and twelve months, to be computed from the time the same shall severally fall due. This four millions was the money of the people, a part of the common treasure of the nation; for while the importer was the agent or instrument to collect, it was in fact the consumer who ultimately paid the duties upon foreign goods. He saw no good reason why the importing merchant should have the use and enjoyment of the public money without some equivalent paid to the Government; and he therefore thought that interest, at the rate of four per cent., should be imposed as a condition of extending the time of payment. He would cheerfully vote for the bill in its present form, although he would prefer that the prolonged credit should carry interest, as a partial indemnity for the additional hazard, if for no other reason. In conclusion, he would avail himself of the present opportunity to say, that inasmuch as the prospects of the future were bright with the promises of tranquillity and peace, there was every assurance that large appropriations for public defence would not be demanded. If Congress, therefore, should reject the bill, and insist upon the paynment of the bonds, its only effect would be swell the unappropriated surplus of more than ten millions already in the Treasury. And he put it to the judgment of the committee to say whether the four millions proposed to be postponed would not be more beneficially employed in the buisness of the country than it would be lying comparatively idle and inactive in the vaults of the deposite banks.

Mr. PARKER was in favor of the bill, and would have even gone further, if possible, and given relief to any of the sufferers who were debtors to the Government, whether they had suffered by houses, land, merchandise, or any thing else. He was in favor of any measure of relief within the limits of the constitution. The distress consequent on the New York conflagration had been felt through every portion of the mercantile community. He conceived the present bill to be entirely within the constitutional limits, for it proposed nothing more than an extension of time to a suffering debtor, and he could not conceive it possible to make any further discrimination of classes of sufferers. He gave notice that he should propose an amendment to the bill when it was in order.

Mr. CAMBRELENG said that the pending motion was an unimportant one, being simply whether a merchant having paid his bonds should be placed on a worse footing than those who had not paid them. In order to meet the objections of gentlemen to the pending question, he would offer an amendment. He said the money was not in the Treasury. No money was in the Treasury except such as was put there by warrant at the end of each quarter. Any money in the hands of the collector could not be considered in the Treasury, and could be paid back to the merchants without the passage of a special law for that purpose.

Mr. C. then moved to amend the proviso proposed to be stricken out by Mr. HARDIN, by the addition of the following words: "If not previously carried into the Treasury of the United States by a warrant." Mr. C. hoped this amendment would meet the object of the gentleman, and briefly replied to the arguments of that gentleman against the bill. He said at a future time he should call the attention of the gentlemen of the West to various bills in favor of their section of country, which went a great way farther than the present case.

Mr. HARDIN again opposed the bill at length, and cited various acts of relief heretofore passed, pointing out the variations in the provisions of those acts and the present bill. By the acts for the relief of Portsmouth and Norfolk, the credit was extended to only a year's indulgence, and its benefits were confined to the actual sufferers. Mr. H. also went into the proceedings on those acts, and urged his objections in detail to the present bill. He was strongly opposed to the clause relinquishing the interest, which he contended was in violation of the true spirit and intent of the constitution. It was giving the importers of New York a preference over the importing merchants of Boston, Philadelphia, Baltimore, and other cities, conflicting with that clause of the constitution which provided that all imposts, &c. "should be uniform through the United States."

He contended the money was in the Treasury the moment it was paid to one of the officers of the Government, whether collector, receiver, or a deposite bank. The provision he was opposed to was neither more nor less than taking money out of the public Treasury, and lending it to an individual who had suffered by fire. The gentleman from Massachusetts [Mr. PHILLIPS] had referred to the allowance of drawbacks, but Mr. H. contended the principle of drawbacks did not meet this case. The allowance of drawbacks was within the legitimate powers of Congress, under the constitution, to regulate commerce. New York enjoyed immense advantages from the amount of public money received there, and instead of the Government being indebted to New York for collecting the revenue, she had been benefited not less than from 20 to 25 millions of dollars. She made from ten to fifteen cents on every dollar received there of the public revenue; and he drew the attention of the committee to the great outlays already made, and proposed to be made, on the public works, the custom-house, fortifications, the navy yards, &c., amounting to about five millions of dollars. The bill proposed to place the Government in the character of an insurance office; but it went no farther than the wealthy merchant. If it could be shown that any one of the great leading interests of the country had been prostrated, he might then vote for it, but till that could be shown he should oppose it at every stage. Mr. H. alluded to instructions that had been sent on from some of the large cities to their Representatives to support the bill. He said, if a bill had been brought forward to refund the duty on packages unopened, and not offered in the market, he would have gone for it. He referred to the appropriations proposed for the current year, which were already about four millions more than in former years. Besides

these, there was to be a special appropriation for the increase of the navy, to the amount of about six millions four hundred thousand dollars.

Mr. WISE explained, that the Committee on Naval Affairs had come to a resolution to fill up the blank in that bill with two millions of dollars.

Mr. STORER moved that the committee rise. Agreed to: Ayes 82, noes not counted

The committee accordingly rose, and the chairman having reported progress,

Mr. CAMBRELENG moved that the bill be again made the special order at one o'clock to-morrow; which was agreed to; and then

The House adjourned.

THURSDAY, FEBRUARY 18.

PAY OF VOLUNTEERS IN SERVICE.

On motion of Mr. R. M. JOHNSON, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. LINCOLN in the chair, on the bill to provide for the payment of volunteers and militia corps in the service of the United States.

The bill was then read, as follows:

A bill to provide for the payment of volunteers and militia corps in the service of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers, non-commissioned officers, musicians, artificers, and privates, of volunteer and militia corps, who have been or may hereafter be in the service of the United States, shall be entitled to and receive the same monthly pay, rations, and forage, and be furnished with the same camp equipage, including knapsacks, as are or may be provided by law for the officers, musicians, artificers, and privates, of the infantry of the army of the United States.

SEC. 2. *And be it further enacted*, That the officers of all mounted companies shall each be entitled to receive forage, or money in lieu thereof, for two horses, when they actually keep private servants, and for one horse when without private servants; and that forty cents per day be allowed for the use of each horse. That each non-commissioned officer, musician, artificer, and private, of all mounted companies, shall be entitled to receive forage in kind for one horse, with forty cents per day for the use thereof, and twenty-five cents per day, in lieu of forage and subsistence, when the same shall be furnished by himself, or twelve and a half cents per day for either, as the case may be.

SEC. 3. *And be it further enacted*, That the officers non-commissioned officers, musicians, artificers, and privates, shall be entitled to one day's pay, subsistence, and other allowances, for every twenty miles' travel from their places of residence to the place of general rendezvous, and from the place of discharge back to their residence.

SEC. 4. *And be it further enacted*, That the volunteers or militia, who may be received into the service of the United States by virtue of the provisions of this act, shall be entitled to all the benefits which may be conferred on persons wounded or otherwise disabled in the service of the United States.

SEC. 5. *And be it further enac'ed*, That when any officer, non-commissioned officer, artificer, or private, of said militia or volunteer corps, who shall die at any time in consequence of wounds received in service, and shall leave a widow, or if no widow, a child or children, under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years; and in case of the death or intermarriage of such widow before the expiration of five years, the half pay for the remainder of the time shall go to the child or children of said decedant: Provided, always, That the Secretary of War shall adopt such forms of evidence, in applications under this act, as the President of the United States may prescribe.

Mr. R. M. JOHNSON moved the following amendment to the second section, to come in after the word "companies," where it first occurs, to wit: "who have been, or who may hereafter be, in the service of the United States;" which amendment was agreed to.

Mr. WILLIAMS moved the following amendments to the second section, in both places where the word "use" occurs, so as to read in the first place, "for the use and risk of each horse, except horses killed in battle, or dying of wounds received in battle;" and in the second place, "for the use and risk thereof, except such horses killed in battle, or dying of wounds received in battle;" which amendments were agreed to.

The fourth section was then amended by Mr. JOHNSON and Mr. WHITTLESEY, to read as follows:

SEC. 4. "*And be it further enacted*, That the volunteers or militia, who have been or who may be received into the service of the United States, to suppress Indian depredations in Florida, shall be entitled to all the benefits which are conferred on persons wounded or otherwise disabled in the service of the United States;" which amendments were agreed to.

Mr. R. M. JOHNSON then added the following section to the bill; which was agreed to:

"SEC. 6. *And be it further enacted*, That the volunteers and militia mentioned in the foregoing provisions of this act, called into service before its passage, and who are directed to be paid, shall embrace those only ordered into service by the commanding general, or the Governors of States and of the Territory of Florida, under authority from the War Department, for repressing the hostilities of the Florida Indians."

Mr. HAWES then offered the following amendment: "*And be it further enacted*, That the officers to be provided for in this act shall not exceed the number of officers attached to companies or regiments in the infantry service of the United States."

Messrs. R. M. JOHNSON, WHITE of Florida, and WHITTLESEY, objecting to this amendment,

Mr. HAWES then modified his amendment by the following proviso: "provided, it shall not be in violation of the laws of the States or Territories from which such troops may be called."

Mr. R. M. JOHNSON objected to the whole proposition of the gentleman from Kentucky, [Mr. HAWES,] as he was confident that the authorities of the States and Territories, from which the troops would be drawn, would make provision for the number of officers to be sent, and that they would not send more than were actually required.

Mr. HAWES said his amendment provided that the officers were to be paid agreeably to the laws of the States and Territories from which they were drawn. He was for having more fighting men, and fewer officers.

Mr. WHITTLESEY did not believe that House to be the only place where patriotism was to be found. He believed the States and Territories would make ample provision to secure the United States from any danger of paying more officers than were necessary.

Mr. R. M. JOHNSON hoped gentlemen would allow the question to be taken, as it was highly important that the bill should be passed with the least possible delay.

Mr. WHITE, of Florida, hoped the gentleman from Kentucky [Mr. HAWES] would withdraw his amendment. He was satisfied that there would not be more

officers than the laws of the States and Territories called for.

Mr. HAWES's amendment was then disagreed to.

On motion of Mr. R. M. JOHNSON, the committee rose and reported the bill to the House.

The amendments were then concurred in by the House, and the bill was ordered to be engrossed; subsequently, it was read a third time, and passed.

SUFFERERS BY FIRE IN NEW YORK

The House then went into Committee of the Whole on the state of the Union, (Mr. CONNOR in the chair,) and resumed the consideration of the bill "for the relief of the sufferers by the late fire in the city of New York"—

The question pending being the motion of Mr. HARDIN to strike out the first proviso in the first section, which is in the following words:

"*Provided*, That those who are within the provision of this section, but who may have paid their bonds subsequent to the late fire, shall also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded," as amended yesterday, on motion of Mr. CAMBRELENG, by the addition of the following words: "if not previously carried into the Treasury of the United States by warrant."

Mr. STORER then rose and addressed the House as follows:

Mr. Chairman: When on yesterday I asked the committee to rise, I felt that their patience had already been sufficiently taxed, as their sitting had been protracted to a late hour; and I was anxious, sir, that my observations, such as they were, should be heard at a more favorable period of the debate.

I was aware that the bill under discussion had been postponed when I conceived it might have been acted on, and did not expect that those who had the immediate charge of it would have pressed the question when the honorable gentleman from Kentucky [Mr. HARDIN] had finished his remarks. I have thrown no obstacle in the way of this bill. I have always been willing and ready to sustain it. But, sir, it has been suffered to take its course; and, however much it may be regretted, it is impossible now to accelerate its passage. I can only say that the old maxim, "we must hasten slowly," is not now a paradox.

The object of this bill, briefly considered, is to aid the sufferers by the late conflagration, who were debtors to the Government for duties on the memorable 16th of December last. It embraces those whose bonds were not then due, and are not yet due; those whose bonds have since become due, and those who have subsequently to that time paid their bonds. There is another section, which extends for a shorter period the credit on all bonds taken at the custom-house, whether the obligors have sustained actual loss or not.

This classification of debtors has been objected to, and a distinction attempted to be drawn between their several claims to relief; but it is manifest that they are all included within the equity of the case, and are equally entitled to our consideration, though their several conditions may differ in degree. All are involved in the common calamity, either directly or remotely; the same common interest is to be protected; and it is our duty, in extending our aid to all, to know that all are benefited.

It is objected, sir, by several honorable gentlemen who have opposed this measure, that it is unjust, because it is partial legislation. It is confined, say they, to a particular section of the Union; and the ordinary operation of the laws is suspended—in fact, changed--as to a portion of the public debtors, while it exists in full force as to the residue. This reasoning is specious, but it is not sound; for, I would ask, what legislation that acts merely upon any one point, whether of the maritime or western border, but is liable to the same objection? The erection of a fort or a light-house, the improvement of a river, or the establishment of a road by law, is on the same principle but partial legislation. The immediate advantages which result from all these public works are felt by the contiguous community; and it is only when we look to results, and reflect upon remote consequences, that what may appear to be partial legislation is not only found to be general, but general, sir, in the most extended sense of the term. The defence of the seacoast, the safety of our shipping, are national objects, because the whole confederacy is vitally interested in the preservation of both; and a similar principle controls the policy of all great public improvements in the West.

It is urged, Mr. Chairman, that the principle of this bill ought not to be admitted, because the importer alone will enjoy the relief it affords; and a distinction is made, I fear an invidious one, between the various classes of which the city of New York is composed. Sir, it is not my disposition to separate the great interests which make up the population of a commercial city, nor is it my intention to create suspicion or excite unfounded jealousy; I feel that I should do injustice to the people who have so severely suffered, and I could not reconcile it to my own convictions of duty, if I believed that the merchant and mechanic were not connected by the common bond of mutual dependence; that they did not prosper as well as suffer together. I regard the benefit, if extended to one, as embracing the other; the pursuit is, indeed, not the same, but the interest is identical. Can it be said that the ship-owner and the importer may feel pecuniary pressure, and be subjected to all the fluctuations of trade, without affecting the artisan, whether his skill is employed in building a ship or erecting a storehouse? And if not in cases of mere ordinary occurrence, with what propriety do honorable gentlemen contend that none are relieved by the measure before us, but those who are specially named? Sir, I hold that the leading interests of every densely populated community, no matter whether directed to manufactures, agriculture, or commerce, can never be impaired, unless the shock is felt by the whole people; and it is in vain in our republic, where there can never be to any extent other distinctions than those produced by talent, enterprise, and skill, to assert such a principle as those who oppose this bill have done; and it is still more vain to attempt to sustain it by argument.

Who, I would ask, is the importing merchant? Need I describe a profession, the fruits of which are seen wherever civilization has extended? Need I refer to the refinements of life, the social comforts, the substantial every-day benefits, that are spread over our land by the continual communication we hold with every part of the globe? And, sir, to whose energy and enterprise are we indebted for all these results? Not to him who hoards his capital, and watches, with the eye of a lynx, the changes in the money markets; who lives upon the necessities of those who hazard their funds in honorable competition; not to the speculator in stocks, who is, to use the classical language of Wall-street, either "tossed by the bulls, or devoured by the bears;" who has lost all taste for the usual means by which property is acquired, and, in the excitement of legalized gambling, calculates, with desperate resolution, to become rich without labor; nor is it to the hackneyed politician, who has been driven from every political camp as a traitor, or left it as a deserter, and, when the troubled waters of party are agitated, rises to their surface, and scrambles for the spoils. No, sir, none of these have the spirit, the intellect, or the perseverance, to become established, high-minded, and successful merchants.

The importers, and I mean to include the mercantile interest generally, hazard their whole capital in their favorite pursuit. The equipment of their vessels, the purchase of their cargoes, the amount of funds necessarily deposited with foreign agents, the vast expense attending the prosecution of their business at home, require not only all their available funds, but, in a great majority of cases, they are compelled to employ their credit; and that, at last, is the only safe capital. It is the result of a long and well-earned reputation for integrity and capacity; and, as it is acquired by the severest struggles, it must be preserved at every sacrifice except that of principle. How vital is it, then, to the prosperity of commerce, that the upright and liberal-spirited merchant should be sustained?

The extent of the dreadful calamity which has desolated so fair a portion of New York has been already sufficiently detailed, and I will not trouble the committee with the repetition of its horrors. It is an event unprecedented in our own annals, and surpassed, perhaps, by none in the history of the world, when all its attendant circumstances are minutely considered. The effect of such a disaster cannot be felt at once, and even now they are not thoroughly understood. Every department of society received a shock, whose impression has pervaded the whole mass. Like the circle upon the surface of the once calm waters, it has extended itself until it is lost in distance.

The honorable gentleman from Kentucky [Mr. Graves] remarked that the man of business calculated the contingencies incident to his profession before he embarked in it; and if he should afterwards become unfortunate, he could not properly complain. Sir, I admit that the merchant, when he embarks his fortune in trade, is bound to regard the "common accidents" of life, and the usual course of the elements: against them he may provide, in some good measure, by insurance; but I would appeal to my honorable friend, and ask him if such a catastrophe as the New York fire could have been anticipated? whether, on any just prescience of the future, so dreadful a calamity could have been foretold? Sir, the exception proves the rule.

The same honorable gentleman has compared the persons for whom this relief is intended to the planter of the South; and asks, if his cotton crop should be destroyed by the elements, whether he could claim from Congress to be indemnified? But the cases are not analogous. The planter is not the debtor of the Government. If a direct tax, however, was levied upon his plantation, and the means on which he relied to pay it were the proceeds of his cotton crop, and that was destroyed, then, like the New York importer, whose bond is held for imports upon merchandise which has been consumed while unsold in the package, or, if sold, destroyed while in the hands of the wholesale dealer, the planter would be entitled to relief against the collection of the tax altogether, or a delay of payment for a proper period.

Another argument used in opposition to the bill is, that the importer has undoubtedly sold the merchandise for which the duties are due to the country merchant; and, as the consumer pays the duty at last, the importer will be eventually indemnified: even further, it is intimated that, at this moment, a great part of the duty is probably realized. Sir, this reasoning proceeds upon an incorrect hypothesis. The importers of New York do not sell their merchandise to the country merchant; the whole amount of their importations, with but very few exceptions, is disposed of to the jobbers, or wholesale dealers, whose business is to sell again to the retailer. Now, these purchasers were residents of New York, and suffered in common with their venders; and, so far from the duty being paid, the presumption is, the pressure consequent upon this misfortune has compelled the importer to extend a long credit to his debtor, to secure the safety of those very sales from which he expected to discharge his bonds at the custom-house.

It will be remembered that the anomaly is presented, in the history of this conflagration, that more than one half of the insurance companies who had risks upon the property consumed are utterly insolvent; and that, perhaps, a fraction more than 50 per cent. on the amount of their losses will be paid to the insured; while even this pittance may be delayed for a considerable period, to await the distribution of the underwriters' effects.

I approve of the credit proposed by this bill, on the ground that the amount of the bonds will be retained by the enterprising men who are so closely identified with the prosperity of New York—I might say the whole Union. It will, under their care, be diverted into every channel where industry and talent and public spirit could extend themselves; it will cheer up the subdued energies of the unfortunate, and open anew upon the adventurous the hope of future success. It will be safe in their hands, as they will have every motive to preserve unimpaired their credit. If paid, then large sums would lie on deposite in the banks, without interest, and liable to be used as those who control moneyed institutions might feel disposed to appropriate it. Sir, if the public revenue is to lie in these deposite banks, subject to be loaned out to those who are so fortunate as to become the borrowers, and a capital is to be employed for their benefit, for which they pay no equivalent, I am satisfied that the amount of the bonds in the New York custom-house (which are included in this bill) shall remain in the hands of the Government debtors, on good security.

The bill now before the committee is indeed imperfect; it does not, in my opinion, meet the exigencies of the case; as I should be willing that a provision be imbodied, that, on all original packages destroyed in the hands of the importer, the duties should be released. But the relief is demanded now, such as it is; and I fear that any attempt to amend the bill will endanger its whole object. I am, therefore, disposed to take the measure as it is, and adopt it as the only one that can now avail.

The honorable gentleman from South Carolina [Mr. Pickens] has opposed the bill on constitutional grounds. The argument he adduces is, that we have but a trust power confided to us, and we cannot legislate unless the authority is clearly given. I grant, for the present case, the argument—and what does it prove? If we are trustees, and the mode by which the trust is to be executed is defined in the power creating the trust, then our duty is clear: we must pursue the power strictly. But, sir, if the mode is not prescribed, then we must adopt the maxim of the common law, and it is a principle of equity also—"*ut res magis valeat quam pereat.*"

We must preserve the trust, and, to do so, are bound to follow out its end and object—adapting the means to the end, with a due regard to the nature of the fiduciary relation we have assumed, and the purpose for which that relation was created.

If, then, Congress has the right to levy duties on imports, the power of releasing them necessarily exists; and if the power to substitute the credit system for cash payments is admitted, then the power to extend those credits clearly follows; and certainly it cannot be said that the power to preserve such credits, by taking new security, and allowing further indulgence, is not also included. Already the Secretary of the Treasury is authorized, by law, in a certain class of cases, to release the bond altogether, where the obligor is clearly insolvent; to say nothing of the express power in the constitution to pass, if Congress shall see fit, a general bankrupt law. I do not admit the pecu-

liar views of the honorable gentleman on the constitutional question involved in this discussion, though I admire the boldness and talent with which he expressed them. Sir, when the great work of internal improvement, which is projected from Charleston to Cincinnati, shall have been completed, I hope he will look in upon our wide-spread valley; he will there find that the gallant people of his proud State will be greeted as friends and brothers, not merely as united by the bands of interest, but the still stronger ties of national feeling, springing up with the noblest impulse of our common nature, and chastened and elevated also by association. Yes, I hope the time is not far distant when the palmetto shall be transplanted to our own soil, and grow up side by side with the buckeye of our forests.

Should the extended credit on the custom-house bonds be proper, still it is denied that the duties already paid should be refunded. I conceive the claim to relief rests upon the same ground. I cannot distinguish between the merchant who has paid his bond punctually, in order to facilitate the importation or entry of other merchandise, and the importer who has permitted his bond to lie over. It is not denied but the obligors were induced to discharge their bonds, under the belief, and justly, too, that they would be entitled to the benefit of any subsequent law which might be passed for the general relief of the importers. To preserve their credit, then, and under circumstances they could not control, the money was advanced; shall it not be repaid, and the credit extended to them? I can find no reason to deny the privilege; but, on the contrary, every principle of equal and just legislation demands that they should be included in the bill.

The question of interest I do not regard as an argument against the bill. If the measure is one of relief, it should be actual relief; for, if interest was required, it would confer no benefit, but rather impose a burden. The merchant would be unwilling, for so long a period, to pay seven per centum for money, when it might be obtained for less; and, as no interest is ever taxed on bonds taken for duties, it would be a circumstance of no ordinary occurrence if the Government should become a money-lender.

It has been urged, in the course of the debate, that the legislation of Congress furnished no precedent for this bill; and those who support it have been called upon to produce a parallel case. It is true, sir, no similar case can be found, as the occasion which must have given it existence has never before occurred; but the principle has been settled by repeated legislative acts. If we examine the statute book, we shall discover, from the earliest history of our Government until the present day, that the ground upon which the relief is now asked for the New York sufferers has been recognised to its fullest extent. Permit me to detain the committee for a few moments, while I present an epitome of cases, selected as those most apposite.

An act was passed on the 7th of March, 1794, "to remit the duties on certain French vessels which had taken refuge in American ports, in consequence of the negro insurrection at Hispaniola."

June 7, 1794.--The distillery of a citizen of Vermont was burnt up, and the excise was remitted.

January 28, 1795.--The tonnage duties on foreign vessels again remitted, which conveyed French prisoners from Nova Scotia to Boston.

January 1, 1796.—The duties on the "capacity of stills" remitted, in consequence of the destruction of fruit, which prevented their employment. This bill was general in its terms, and included all who had taken out a license.

March 3, 1797.--The duties on snuff mills were remitted, when, by failure of water or other casualty, they could not be used.

March 3, 1797.—The duties on English vessels driven into Plymouth, Massachusetts, by stress of weather, were remitted.

February 19, 1803.--The importers who had suffered by the fire at Portsmouth, New Hampshire, were relieved by an extension of their bonds.

March 19, 1804.--Similar relief was extended to the merchants at Norfolk, Virginia.

March 3, 1817.—The Secretary of the Treasury was authorized to release the distiller from the excise, when he was satisfied, by proper evidence, that the still had not been used; and he was further empowered to refund the duty, if paid.

May 26, 1824.--All distillers who had paid duties, according to the provisions of one of the excise laws, were released, and the duties refunded to them.

March 2, 1827.—The discriminating duties on all Hamburgh ships, which had been paid between the 3d day of March, 1815, and the 1st of November in the same year, were remitted.

It will be recollected that, on the 3d day of March, 1815, an act was passed laying extraordinary duties upon the vessels of the Hanse Towns, to countervail similar imposts upon our vessels. By this act, the President was authorized to postpone the collection of those duties, whenever he should be officially advised they were not exacted from our merchants. On the 1st of November, 1815, Mr. Madison issued his proclamation, announcing that the city of Hamburgh had repealed her regulations with respect to our commerce; and our own law, of course, ceased to operate: yet, in the interval, the Hanse merchants had paid duties into our Treasury; and, on the doctrine of honorable gentlemen who have debated this bill, the Government having received the money, Congress had no right to refund it.

March 2, 1831.—The duties imposed by the law of 1830 were remitted, though the merchandise was imported prior to December 31, 1830.

February 25, 1833.—The discriminating duties on coffee, cocoa, and tea, were all refunded.

The last two acts, sir, proceed upon the principle of equity, which regards that as done which ought to have been done; and if they had not been passed, the operation of the tariff laws would have been more unjust and unequal than their warmest opponents ever pronounced them to be.

On a review of these cases, I am persuaded that the principle of this bill is fully established and sustained. Every objection that has been urged to it might have been made to each and all of the laws I have referred to, I mean so far as the constitutional power of Congress to legislate is concerned; and if we regard the policy of those laws, when compared with the expediency of the measure before us, the argument against it is deprived of its whole strength. Sir, the relief proposed by this bill will be felt by all, even by those for whose losses the gentleman from Rhode Island proposed a gratuity. Upon the importing merchant, and the great mechanical interest with which he is so closely connected, every other portion of the population of New York, whether the professional man, the money-lender, the retailer, or the thousand "gentlemen of no particular calling," who are becoming a formidable class throughout our country, mainly depends. They open the channels of business, and lay broad and deep the foundation of public prosperity; their skill develops the resources of the great mass, and their energy carries them out into happy results. Let it not, then, be said that the merchant is only to be benefited; such a view of the case is not warranted by the principles of the bill, or the interests it is intended to protect.

Mr. Chairman, I regret to differ with many of my western friends on so important, so interesting a question

as this; but I feel that every principle of duty requires me to give this bill my humble support. My opinions, sir, such as they are, as to the policy this Government should pursue in relation to the whole country, I have no disposition to disguise. As a western man, while I shall untiringly sustain the right, on the part of Congress, to improve our rivers, establish national roads, and protect our own industry, I cannot forget that I am, so far as one individual is concerned, legislating for the whole Union; and the same broad principle of justice which governs me in my construction of the constitution, as to the leading interests of this confederacy, admonishes me that I ought not to limit it to sectional boundaries. With my western friends I shall zealously unite to secure our just share of the surplus revenue, and to make the importance and the weight of our portion of the Union felt upon every proper occasion. I shall not be induced to support any measure by which the power, the interest, or the honor, of the West can be circumscribed, or even questioned; but I shall, nevertheless, sustain all proper appropriations for our naval and military establishments; not by a profuse expenditure of the public treasure, by which patronage may be extended, and important trusts abused, but by a safe, guarded, and well-digested scheme for the distribution of our revenue throughout every portion of our common country!"

The State I have the honor in part to represent, the people of my immediate district, more especially of that beautiful city whose merchants and mechanics are not surpassed in intelligence, skill, and industry, by any people on the globe; whose untiring energies have overcome, in the infancy of their institutions, what older and wealthier communities have not dared to attempt; they, sir, take a deep interest in the passage of this bill; and I should feel that I had disappointed their just expectations, did I not support it with all my zeal. The citizens of Ohio can never be unmindful of New York, while they remember her Clinton and her Fulton. Sir, when his own State had deprived De Witt Clinton of the last poor privilege of superintending those great public works which have immortalized his name, Ohio did not forget him. His presence was invoked at the commencement of her great canal, and he broke the first ground where there is now a continued water communication of more than three hundred miles. And, Mr. Chairman, if New York shall ever, in the bitterness of party, deny to her distinguished statesman the honor that is due to his memory, his name, through all time, will be remembered in the West. "*O terram illam beaton quæ hunc virum exceperit hanc ingratam, si ejecerit miseram si amiserit!*"

Before I close my remarks, I must be permitted to say that, if the success of any of those measures of public improvement which have been projected for the West had depended upon the support of the honorable chairman of the Committee of Ways and Means, who reported this bill, those measures would never have been carried out. Even at the last session of Congress, I find his name recorded against an appropriation of $50,000 for clearing out the Ohio river; and, on the memorable last day of that session his vote was given against the bill to extend the Cumberland road. Such are the tender mercies of those—for some, at least, of those—for whose constituents I shall, nevertheless, insist, not for the purpose of exciting unpleasant recollections, nor yet for the other purpose of returning "evil with good," but because it is just and expedient that the relief proposed by this bill should be granted.

I have heard upon this floor injurious and unfounded insinuations upon the motives of western men in this House; and, sir, I have heard them repelled in a proper tone and spirit. I am satisfied such will always be the case, whenever and wherever it may be proper to cast back the reproach.

It has been said, Mr. Chairman, that New York has supplied the West with her principal capital, and we have been reminded of the force of the obligation. True, sir, the stocks in our banks, railroads, canals, and our public lands, too, have been purchased by eastern speculators; not from any particular regard for the West, or the people of the West, but because the investment promised to be largely profitable. Results were more regarded than the idea of furnishing facilities for our industry and enterprise. Wherever similar advantages could be found, similar investments would be made; for, like the element to which it is so often compared, money must and always will find its level; it will break down every obstacle, and trace to its source every stream of business. But is it true that all this capital is owned in Wall street? Are not the agents of the Rothschilds, the Barings, and the Wilsons, not only the holders but the distributors of a large share; and do they calculate, in the discharge of their trust, any other contingencies than the safest mode to derive the best profit? I leave the solution of the question to the honorable gentleman who reminded us of our obligation.

Mr Chairman, while I regard the city of New York, considered in her commercial character, as representing the whole Union, as the citizens of the whole Union compose her population and add to her resources; while I feel a pride in owning her as the London of America, and would trace all the beauty of outline in the scenery around her which could be appropriated to the bay of Naples and the famed city which rises from its bosom; while, sir, I see in her crowded streets and active population no token of decay, but rather the assurance of a great and glorious destiny, I cannot be unmindful of that higher duty, that stronger tie of feeling and affection, which binds me to the West. In that expanded and still expanding region, the spirit of the people—I mean the true American spirit—is alive in all its freshness and vigor, and, though separated by political divisions, and the collisions of interest, and every variety of pursuit, yet, on the momentous subject of what belongs to the character of freemen, they have but one opinion, and hold one common language. Like our rivers, sir, though they may burst forth from the mountain side, or spring up in the prairie, they unite at last in one common channel, and roll on in one glorious current to the same common ocean.

When Mr. Stoker had concluded his remarks,

Mr HUNT rose and addressed the Chair as follows:

Mr Chairman: I am fully aware that favors may be delayed until all grace in conferring them must be lost; and I am equally aware that even a simple act of justice may come too late to effect its object. I am admonished of the truth of this sentiment by a letter now before me from New York, under date of the 15th instant—a letter from a source entitled to all credence, and not written with any view to this debate. In that letter, action, prompt and speedy action, is called for; and I am told that in case we do nothing, distress beyond description must be felt and many failures inevitably take place.

Thus admonished, sir, and feeling, as I do, deep solicitude in the speedy passage of the bill now before the committee, I shall not delay action by protracting the discussion beyond a few brief moments. Discussion on the part of the friends of this bill may well be spared, after the lucid, eloquent, and able appeals made by the gentleman from Massachusetts [Mr. Phillips] and the gentleman from Ohio [Mr. Stoker.] The argument I could not strengthen, and most assuredly I should regret by any attempt of mine to weaken it.

My task is a very humble one: it is, in the first place, on behalf of my native State, to render my sincere thanks to those gentlemen for the spirit and manner in which they have rescued this bill from the reproach sought to be

cast upon it; and, in the second place, to endeavor to obviate some of the objections, not particularly noticed by those gentlemen, urged by the gentleman from South Carolina, [Mr. PICKENS,] the gentleman from Kentucky, [Mr. HARDIN,] and the gentleman from Rhode Island, [Mr. PEARCE.]

Sir, it has afforded me unfeigned pleasure to listen to the manly defence here submitted of the characters of those more immediately interested in the provisions of this bill—the characters of our merchants—coming, as that defence has, from those connected with New York only by that silver cord of common nature which in the social state binds man to his fellow, but which cannot be loosed without breaking the golden bowl, the pitcher at the fountain, the wheel at the cistern, and resolving society back into its original elements.

Sir, to the character of the merchant I wish to add but one further witness—a witness ranking amongst the greatest men of this or any other age; and I adopt the testimony of Dr. Chalmers, given in immediate reference to the English merchant, as applicable in all its freshness, force, and truth, to my own countrymen. He says: "It might tempt one to be proud of his species when he looks at the faith that is put in him by a distant correspondent, who, without one other hold of him than his honor, consigns to him the wealth of a whole flotilla, and sleeps in the confidence that it is safe. It is, indeed, an animating thought, amid the gloom of this world's depravity, when we behold the credit which one man puts in another, though separated by oceans and by continents; when he fixes the anchor of a sure and steady dependence on the reported honesty of one whom he never saw; when, with all his fears for the treachery of the varied elements through which his property has to pass, he knows that, should it only arrive at the door of its destined agent, all his fears and all his suspicions may be at an end. We know nothing finer than such an act of homage from one human being to another, when perhaps the diameter of the globe is between them; nor do we think that either the renown of her victories, or the wisdom of her councils, so signalizes the country in which we live, as does the honorable dealing of her merchants; that all the glories of British policy and British valor are far eclipsed by the moral splendor which British faith has thrown over the name and the character of our nation; nor has she gathered so proud a distinction from all the tributaries of her power, as she has done from the awarded confidence of those men, of all tribes, and colors, and languages, who look to our agency for the most faithful of all management, and to our keeping for the most inviolable of all custody."

Such, Mr. Chairman, is the character of the class of men who are now asking you for legislation.

The gentleman from South Carolina [Mr. PICKENS] supposes there are constitutional objections to this bill, arising under those sections of the constitution which provide that "all duties, imposts, and excises, shall be uniform throughout the United States;" and again, that "no preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another." The answer to this objection has, in my apprehension, been abundantly furnished by the gentlemen who have preceded me. If the objection be well taken, every fortification and every light-house you have erected has been in violation of the constitution; and the practical construction given your constitution has, from the commencement of your Government, been wrong. But, sir, again: whatever may be considered as the true construction of the sections of the constitution above quoted, I submit that the bill under consideration is not obnoxious to the objection taken. The purport of its provisions is simply to regulate the debts due the Government. And strange indeed is the proposition denying to the Government, as a creditor, the power beneficially exercised (for the creditor) in dealing with the embarrassed debtor. The gentleman from South Carolina also stated that the English Government had uniformly refused to interfere in cases of this description; that no relief had there been granted since the great fire in London. Sir, it may well be that the honorable gentleman has met with no special act of English legislation on this subject since the period referred to by him; but sure I am that, upon reflection, he will perceive that in England, for many years past, no particular legislation has been needed; for, since her commercial law received its illustrations, its form and symmetry, from the adjudications of her Mansfield, this subject has been amply provided for by general acts. The systems of the two Governments are different. The English is the warehousing system; ours is the system of cash duties and bonds. Should the time ever arrive in this country when our political men can turn their attention from the evanescent party politics of the day to the great and abiding interests of the nation, it will not, I apprehend, be difficult to satisfy them that much may be learnt and advantageously copied from the English system. As early as the 43d of George III an act was passed providing that the Government and its officers should not be liable to the owners of goods destroyed by accident in the warehouse, and also providing for the remission of duties. The provisions of that act were somewhat extended by acts of 3d and 4th William IV. The doctrine of remission of duties was not a new one, introduced by the act of George III. That doctrine was familiar to the people; but the act had become necessary, for the purpose of settling a vexed question in the English courts of justice—a question whether, in case of loss of goods by any accident other than that termed the act of God, or the public enemies, the Government or its officers were not liable to the owner for their value, upon the legal principles of bailment.

Thus, sir, it will be seen that, in England, there is ample provision for cases like the one before the committee. Nay, the English acts cover vastly more ground than the bill before you. They provide for remission; this bill only provides for an extension of credit. It has been objected by the gentleman from Rhode Island [Mr. PEARCE] that the proposed bill makes the collector the judge of the sufficiency of the sureties offered. Is this, sir, any new provision? Will it clothe the collector with any new power, which may be abused? He is now the judge in this matter. But, sir, pass this bill, and the Government will gain one important advantage—the right to claim new and undoubted sureties, in case the old sureties are not satisfactory to the collector. I will not enlarge upon this argument, but will submit that, in view of this wide-spread and desolating calamity, affecting materially all the relations of business, this feature of the bill is worthy of all commendation.

The gentleman from Rhode Island [Mr. PEARCE] has, also, with great industry and ability, collected and presented to us a variety of cases in which Congress has refused to interfere. Many of them, sir, may have been cases of great individual hardship. They certainly were presented by the gentleman, as were all his views and appeals, in a manner well calculated for effect. In reference to those cases, I will only remark that we know not their peculiar and attendant circumstances, nor the reasons influencing former Legislatures to refuse relief. But, on this subject of precedent, permit me to add to the list of cases presented by the gentleman from Ohio, [Mr. STORER.] On the 14th of June, 1790, duties were remitted on goods of T. S. Jenkins & Co., of Hudson, New York, destroyed on their passage from New York to Hudson.

August 4, 1790.—Duties were remitted on salt of

Stewart & Davidson, of Annapolis, destroyed by flood the night after it was landed.

May 9, 1794.—Duties were remitted on coffee destroyed by fire at Baltimore.

June 7, 1794.—Duties were remitted on distilled spirits of Rogers, of Middlebury, Vermont, destroyed by fire.

January 15, 1798.—Similar relief granted to West & Usey, of Charleston, South Carolina, on sugars destroyed by fire.

March 3, 1801.—Similar relief granted to Halsy and others, on teas burnt at Providence.

February 19, 1803.—Extension of one year granted on the bonds of those who suffered by fire at Portsmouth, New Hampshire.

March 19, 1804.—Similar relief granted on bonds at Norfolk, Virginia.

February 10, 1807.—Similar relief granted on bonds at Portsmouth.

April 11, 1820.—Extension of four years granted on the bonds of those suffering by fire at Savannah, and who were not insured.

May 5, 1824.—An extension of four years on the bond of E. Van Syckle, of Philadelphia, having suffered by fire, and not insured.

This list of precedents might be almost indefinitely extended. But, sir, I trust they are sufficient to answer the argument of the gentleman drawn from precedents, and will at least prove that, if at times Government has refused to interfere, yet at other times, and in numerous cases, it has interfered to afford relief. And it is merely in this light I have cited the above cases; for, so far as concerns my own vote, I shall never be troubled for a precedent in a case where my conscience, directed by my best judgment, impels me to act.

It has been objected again, that there may be a class of sufferers in New York, equally meritorious with those included in this bill, and who are not provided for in it. This objection may be true to a certain extent; I say may be, for as yet the objection rests mainly upon conjecture. But, sir, if true in its whole extent, does it follow that, because we cannot in this bill relieve all, we shall relieve none? If there be another class of sufferers entitled, upon well-known principles of legislation, to relief, I shall most cheerfully go with the gentleman in affording that relief.

It has also been objected that, by passing this bill, you will establish a precedent authorizing Savannah and other cities to claim relief. To this objection I would say, that whenever Savannah, or any other place, shall present a case similar in principle to the present one, we shall be bound to act upon it; and I can never consent to withhold an act of justice, through fear of its pecuniary consequences.

A further objection has been drawn from the supposition that, at the expiration of the extended credit, the bonds may not be collectable, and the importer (who does not always give the bond) be made liable to the Government; basing this objection upon the decisions of our courts, which hold the importer liable, even when a bond has been given by the factor. Were this objection well taken, I should feel the necessity of inserting in the bill a new provision. But, sir, a moment's consideration must, I think, satisfy every legal gentleman that no provision of the kind is necessary. Sir, the legal effect of this act must, beyond all doubt, be to adopt the bondsmen as the true and only debtors of the Government; thus releasing the importer from all liability.

The gentleman from Kentucky [Mr. HARDIN] avows himself in favor of the provision in the revenue laws allowing the drawback on goods exported. That provision he considers a legitimate regulation of commerce. If the gentleman will but carry out his principle, he will find himself constrained, I apprehend, to support the present bill. Why, sir, is a drawback allowed? Simply because the goods have not gone into the hands of the consumer for home consumption. Then, in principle, how does this case differ? Have these goods gone into the hands of the consumer? Sir, this calamity presents the strange anomaly of a Government actually profiting by an event which has brought distress, if not ruin, upon thousands. In this way, enable your merchants to continue business, and your present bonds will be met, and new importations be made to supply the place made vacant by the fire, and upon which new importations Government will again receive its duties; thus receiving duties twice upon what has entered but once into the consumption of the country. But press the immediate payment of the outstanding bonds, and I ask the committee to reflect, with the evidence before gentlemen from private sources and from the Treasury Department, whether there be not great danger of driving men to extremities, of tasking them beyond their strength, and thus producing great individual suffering as well as national loss.

From the remarks I have made, the committee will have perceived that I place this bill before them not as appealing to the charity of the nation. No, sir; it comes to me, and so I wish to present it to the committee, commended by every consideration which should influence a wise and provident creditor in his dealings with the suffering, unfortunate debtor.

Mr. LANE said the bill under consideration was one he desired to sustain by his vote, and he had intended to give a silent one. The extraordinary resistance, however, made to it from a certain quarter, has rendered it a duty he owes to himself, and those whom he has the honor of representing, to detain the committee a few moments in giving some of the reasons which influenced that vote.

Sir, were the shipping merchants of the city of New York the only class of persons to be relieved by the provisions of the bill, his vote would be a different one. Twenty or twenty-five millions of mercantile capital has been annihilated by a fire that set all human exertions and human skill at defiance--a calamity as fearful and alarming as unlooked-for and extensive in its effects--not only an individual, but a national calamity, extending its effects to every portion of this extended country.

Sir, what is the effect of this loss to the immediate individuals concerned, the Treasury, the commerce of the country, and the people? The individual shipper has given his bond for the duty; the goods are destroyed; to him it is a clear loss; he must either fold his arms and yield his business in despair, or ship a like quantity to supply the place of those consumed. Upon these he pays the duty; it passes into the Treasury; the individual loses; the Government receives double duty, and is the only gainer.

The bill asks not to remit the duty, but to extend the payments. This is said by the gentleman from Kentucky [Mr. GRAVES] to be unjust and partial in its operation--that the cotton planter might with the same propriety, if his crop should be blasted by an early frost, call upon Congress for relief. The case has no analogy; the planter owes the Government nothing for his crop; the Government has no control over it. Not so with the goods: the custom-house officer takes possession of the goods--puts his seal upon them until bonded. But, sir, suppose the cotton planter a tenant, and his entire crop destroyed by the fury of the elements, what would be said of the landlord who would refuse time for the payment of rent, or to relinquish the whole or a part.

In order to show how it affects the commerce of the country, it is proper to notice the usual course of trade. The New York merchant ships the goods, and has given

bond for the duty. The goods are sold to a western merchant, who retails them to the people. Upon what terms are they sold and retailed? The western merchant buys at 2, 6, or 9 months, and retails them to the people, his customers, at 12 months credit. It is the policy and interest of the western merchant to keep his New York debt as large as possible, money being worth more in the West than in the East. The possession of it enables him to purchase the produce of the country. They desire no relief, but the usual and ordinary indulgence. Press the New York merchant, he urges payment earlier and more earnestly from the western retailer; he presses his customer, and the entire distress eventually falls upon the people of every class and condition in life. In proportion as you relieve the New York merchant from this calamity, you relieve the whole people--the whole nation--by a continuance of the usual credit, commerce, and confidence. Hence, sir, inasmuch as in voting for the relief in the bill we shall relieve the humblest citizen in his district, he should accord his support.

Mr. UNDERWOOD spoke in opposition to the bill, at considerable length.

Mr. C. JOHNSON said that he was desirous of saying a few words on the amendment to the bill now under consideration, before the final action of the committee upon it; that his opinions upon such a subject as this could not be influenced in the least by any consideration of a political or party character, and he could not believe that those of any member of the committee would be, notwithstanding the allusions to such subjects so often made in the debate; that he would extend to the citizens of New York the same relief, and no more, that he would be willing to allow to any other city in the Union visited by such calamity.

The questions which presented themselves to the consideration of the committee upon this bill were similar, in all respects, to others which had been often before Congress--he might indeed say, almost every Congress from the origin of the Government; that the action of Congress upon this class of cases was as well settled and more closely adhered to than upon any other he had examined; and if the determinations of Congress were in any case to form a rule for its future action, the relief to which the present applicants were entitled under the usages of the Government, and which they ought to expect, should be considered as such. For more than thirty years, similar relief had been extended to all such applicants; and he believed that there was not a single case in which it had been refused; that his object in addressing the committee at this late hour was to give a concise view of the course heretofore adopted upon such applications; he believed it was liberal and just, and should be allowed to the present applicants; and that the amendment which he had the honor of submitting to their consideration was intended to bestow the same relief that had been heretofore given under similar circumstances, and he trusted would be adopted by the committee in lieu of the first section of the bill.

Merchandise imported into the United States, upon which the duties to the Government had been paid or secured to be paid, was often destroyed by fire, floods, or some unavoidable accident, whilst in the original packages, and of course before it entered into the consumption of the country; and had often heretofore and would hereafter produce applications to Congress for relief of some sort. Prior to the year 1802, it was the constant practice of Congress to remit the duties. He had found, in the course of his examination, but a solitary case in which that relief had been refused; he alluded to the case of Deveraux and others, which had been rejected by a committee on the 11th of January, 1796. There were a number of cases, from the year 1790 to 1802, in which the duties had been remitted, but which he need not delay the time of the committee in reciting. The last of the cases had been often brought to the notice of the committee, as a precedent affording even more relief than provided in this bill. The custom-house in Providence was burnt in the latter part of the year 1800, and a large quantity of teas destroyed; the act of the 23d of February, 1801, remitted the duties--a very strong case for the interposition of Congress; and the committee who reported the bill, as if conscious that Congress had gone too far upon such subjects, was careful in placing the relief upon the ground that the goods were destroyed whilst under "the care of the custom-house officers." Relief had been often given before that time to applicants whose goods had been removed from the custom-house, and, in some cases, after a reshipment of the goods for other ports.

In the latter part of the same year, a number of applications, similar in character, were made to Congress, which produced the adoption of a resolution of inquiry, as to the propriety of making some general law upon the subject, whereby such cases might be settled at the Treasury Department, without any application to Congress. Mr. Randolph was then at the head of the Committee of Ways and Means, to which that subject was referred; and on the 2d of April, 1802, made a report against the adoption of the resolution, denying the propriety of remitting duties in any such cases. Congress had, prior to that time, acted upon the principles so forcibly and eloquently urged by the gentleman from Massachusetts, [Mr. PHILLIPS,] who addressed the committee the other day. The report of the committee, which he then had before him, and which he would not trouble the committee by reading, did not enter at large upon an enumeration of those principles, or the causes which induced the committee to change the course upon which Congress had before that time acted. It appeared from the report, however, as it would appear to the committee upon a slight examination, that the safety of the public moneys in the Treasury required that more restrictions as well as a more rigid examination of such claims should be made before their allowance, than had been practised by the Government. To permit a return of the duties to be made, or a remission to take place, upon every casualty and at any time, whilst the goods remained in the original packages, or whilst the owner had the right of debenture, seemed to him to open the door for the commission of innumerable frauds upon the Treasury; to prevent which, he did not see any means that the Government could adopt.

If the importing merchant was entitled to a remission of duties upon goods accidentally destroyed whilst in the original packages, upon the same principles and upon the same reasons the merchant in the interior, whose goods should be lost in the original packages by any accident, would have a right to call upon the Government to pay to him the amount of duties which he had paid the importer, and which had been paid by the importer to the Government. And the same principle might, with equal propriety, be applied to the consumer, who purchases the goods which are destroyed before used by him. In our system of indirect taxation, it is no doubt the intention and expectation of the Government that the consumer of the goods imported shall pay the duties, and not the merchant, and it is therefore argued, with great force, that any accident which destroys the goods before they enter into the consumption of the country should induce Congress to remit the duties to the merchant; otherwise the merchant not only loses the goods destroyed, but pays the whole tax; but, however forcible this may appear, it is necessary for Congress to fix upon some time when duties shall be considered as due, or when the goods shall be considered to have entered into the consumption

of the country. We cannot delay the collection of the duties until the goods actually enter into the consumption of the country. We cannot delay until the importing merchant sells, or go into such examinations. Since 1802, the rule seems to have been to exact the duties in all cases after the entry at the custom-house, and bonds given according to law; after that time there is no remission; the duties become a part of the value of the goods, and it is the duty of the merchant to insure; the omission to do so on his part is to be esteemed an act of negligence, for which the Government ought not and cannot be made responsible.

This seems to have been the principle upon which the committee acted in 1802. At the next session of Congress, another application was made to Congress, well calculated to test the sense of that body upon the correctness of the principle, and the propriety of the report. The custom-house at Portsmouth, New Hampshire, was burnt, and a large quantity of merchandise consumed in it. Application was made to Congress for relief; he presumed for a remission of duties. Mr. Randolph continued at the head of the Committee of Ways and Means; and instead of remitting the duties, as had been the practice of the Government, and as had been done two years before, in behalf of the merchants of Providence, in a precisely parallel case, he introduced and had passed the act of the 14th of February, 1803, allowing to the sufferers by fire one year's indulgence upon their bonds. No other relief was given, although the goods had been burnt in the custom-house, "under the care of the custom-house officers." Similar relief was extended to the sufferers by fire at Norfolk, by the act of 19th March, 1804; and by the act of the 10th February, 1807, a second time to the merchants of Portsmouth. The provisions of the preceding acts extended relief to the debtors of the Government whose "property" had been destroyed by fire, without any other limitation or restriction.

By the act of the 11th of April, 1820, similar relief was extended to the sufferers by the fire at Savannah; and by the act of 5th May, 1824, to Elijah Vansyckle, of Philadelphia; extending the time in each case, for the payment of the bonds, to four years. Upon comparing these acts with the former, it will be perceived that two restrictions are added to the latter, which, in his opinion, were necessary for the equal and just operation of the act among the sufferers: first, that the relief should be limited to those whose merchandise had been destroyed by fire; and, in the second place, to that class of them who had not obtained insurance. It was at that time apparent, and in his opinion not the less so now, that the importing merchant, who had his goods insured, upon their destruction, would receive from the insurance offices the value of the goods, which, of course, included the duty; and that he was not the sufferer. In such cases there was not the slightest ground whatever for an application to Congress either to remit the duties, or extend the time of payment on the bonds. If relief in such a case was was to be given, it should be to the insurance company, not the importing merchant; and he presumed we should never have the insurance companies asking us for relief.

The other restriction in the act of 1820 was also proper, and should be introduced in this bill: that the time of payment should be extended on the bonds only which had been given for merchandise destroyed by fire. The only ground of relief, either for prolonging the time of payment or remitting the duties, was that the merchandise upon which the duties had accrued had been destroyed. He did not believe that misfortunes overtaking the debtors of the Government, of whatever character they might be, ever constituted or ought to be made in themselves a ground of relief: such as the burning of the house of a debtor, or the destruction of his plantation by flood or earthquake, or the loss of his annual crop by drought, or any other such causes. If any kind of relief was to be allowed in such cases, there would be no end to the applications to this House, nor could any calculations be made of the ability of the Treasury to meet any exigency whatever. This constituted in his mind a serious objection to the first section of the bill, that gave relief to all persons "who had suffered a loss of property" by "burning of their buildings or merchandise," embracing that class of sufferers whose "buildings and merchandise" have been insured against fire, and who may have received the full value of their property from the insurance offices. This class ought not to be ranked among the sufferers by fire, and given the relief provided in the first section of this bill. Again: that portion of the importing merchants whose merchandise had been sold and entered into the consumption of the country, and who had of course actually received the amount of duties from the consumer, would be entitled to relief under the first section of this bill, if they had only a house burnt, however large the debt might be to the United States.

Mr. J. said that he could not see the propriety of any legislation whatever for persons thus situated. Congress had, upon more occasions than one, refused relief to public officers whose houses had been burnt, and the public money collected by them lost in the conflagration. It also refused relief to officers robbed of the public money in their possession, because of the danger that would arise to the Treasury if such a precedent was established. Such a principle incorporated in our laws might operate more to the prejudice of the public Treasury than extending relief to claimants of the latter character. Giving time for the payment of bonds due to the United States was originally allowed, because of the great hardship imposed upon the merchant of having the duties to pay upon the merchandise destroyed by fire, upon which they had accrued. They had not entered into the consumption of the country, and of course the merchant paid the whole tax, in addition to the loss of his property, whilst, in most cases, other merchandise would be imported into the country to supply the place of the quantity consumed, and the Government would thus, a second time, receive the duties. He was for limiting the operation of the first section of the bill to the debtors whose merchandise, upon which the duties accrued, has been burnt, and who were without indemnity—leaving those whose "houses" or other "property" had been burnt, to seek relief, with the other debtors of the Government, under the provisions of the second section of the bill. He was for substituting the credit of three, four, and five years' indulgence, in the place of a remission of duties. It had been said that the insurance offices in New York had been involved in the common ruin; and that those who had insurance would be but partially relieved, if the same restriction was inserted in this bill as had been done in the bill for the relief of the sufferers by fire in Savannah. This might be the case to a considerable extent. He understood, however, that it was not uncommon for the merchants of the city of New York to have insurance effected in other cities; and such of them as had been indemnified by their insurances ought to be excluded from the relief given in the first section of this bill. They had in fact received the duties due the Government from the insurance companies, and should be compelled to pay it over. He had, however, in consequence of the suggestion, somewhat changed the phraseology of the act of 1820, in the amendment which he had submitted to the committee, so as to extend the relief to those "not indemnified by insurance" and to those whose merchandise had been consumed, upon which the duties had accrued;

intending, as far as practicable, to proportion the relief to the loss sustained by the merchant.

The remission of duties seems to have been wholly given up; he did not believe there was a solitary case since 1802. But those most interested on such subjects seemed very reluctant to yield to the decisions of Congress. In 1825 a fire occurred in Boston: Bangs and others, Seawall, Jones, & Co., asked a remission of duties on the merchandises destroyed in the original packages. A bill was reported by the Committee of Ways and Means, giving the relief asked, and was finally acted upon by the House in the spring of 1830, when he had for the first time the honor of a seat upon this floor; he recollected the debate; it was ably and eloquently resisted by the chairman of the Committee of Ways and Means at that time, [Mr McDuffie,] as well as by the present chairman of that committee; and he did not believe that the bill had received forty votes in this House.

Mr. J. said it was unnecessary at this time further to examine the correctness of the principles upon which Congress had heretofore acted, in refusing to remit duties—that question would be more properly the subject of discussion when some of the bills reported by the Committee of Ways and Means during the present session should be before the House. He trusted that the committee was satisfied, from the remarks he had made, that prolonging the time of payment had been substituted by Congress in lieu of the remission of duties, and that if the House adopted the present bill, or his amendment, it would be so considered. He acknowledged, he said, that he did not see the principle or the reasons upon which some members of the committee acted, who avowed themselves willing to remit the duties, but were unwilling to allow the extension of the time of payment. It was a case, in their estimation, so hard upon the applicants, that they would forgive the debt, but could not allow a credit of three, four, and five years. He thought, if the debts ought to be forgiven, that would be of itself the strongest reason for protracting the payment, so as to enable the debtors to present their case to Congress, and get the final action of that body, before the payment of the money. The Government needs not the money—the surplus on hand cannot be disposed of. If we collected the money, it would remain in the deposite banks without interest, and would not probably be touched by the Government until after the proposed time of payment; it seemed probable, indeed, that it would increase rather than diminish until after the period; and, for his part, he would as soon have the money in the hands of the debtor, well secured, as in the banks; and if, by that means, the dreadful calamity which had befallen the city could be mitigated, he for one would cheerfully allow it.

Mr. J. said that he had another objection to the first section of the bill: it authorized the time to be extended, with the assent of the securities on the old bonds, or new bonds to be taken, and the old ones to be cancelled; that he apprehended it would not be safe to impose upon the collector at New York the responsibility of taking new bonds, and new security, for so large a sum of money; that it would be difficult, if not impossible, for the collector to ascertain what influence this great calamity would have upon the fortunes of the various individuals who would be presented to him, as principals or sureties in the obligations to the Government. With the utmost care and caution on the part of the collector, good bonds might be surrendered for new ones, with doubtful or insufficient security taken. He thought, if such an indulgence was extended to the debtors of the Government, Congress should retain all the security they now have, and in every doubtful case make it the duty of the collector to require other and further security before the indulgence should be allowed.

Mr. J. said that he had proposed the amendment, to avoid what seemed to him exceptions to the first section of this bill. By it the same relief would be given to New York that had been extended to Savannah by the act of 1820, and in very nearly the same language; he thought it more appropriate and more just than the relief given by the preceding acts. He would have preferred the bill without the second section, which allowed six, nine, and twelve months to all the debtors at New York. It was a dangerous precedent to set; there would be no end to applications for postponement, if allowed for any cause; and it could only be excused on account of the unparalleled calamity which had befallen the city. If the Government coerced the payment of the bonds at New York, amounting to near four millions of dollars, upon the heels of such a calamity, a pressure might be produced in the money market that might lose us half the money; by allowing to our debtors whose merchandise was destroyed in the fire, which he understood was near one million of dollars, three, four, and five years to pay it, and to our other debtors at the city, six, nine, and twelve months, every opportunity would be afforded to them to recover from the effects of that distressing calamity, and prepare themselves to meet the payments due the United States at the respective periods allowed them.

Mr. J. thought it was the duty of Congress as well as the interest of the Treasury to give relief to the present applicants in some shape. He thought the relief in the amendment, which he had submitted to the committee, preferable to that given by the bill; but if the amendment did not meet the approbation of the committee, he should probably feel it his duty to sustain the bill in its present shape.

It was a relief which every liberal, generous creditor would allow his debtor under such an afflicting calamity. It was a relief which they had a right to expect at our hands, having before given such relief upon every application for more than thirty years. It was a relief which our interest as creditor required us to give, to avoid any losses which might result from a pressure. The United States had been liberal, generous, to the sufferers at Caraccas, and by his vote should not be less liberal to our own citizens at New York, who had suffered by the late dreadful conflagration.

Mr. REED advocated the bill. He said it was apparent that the New York fire had been an advantage to the Government, because it would receive the duties twice over on the same amount of goods, viz: on those destroyed, and on those imported to supply the loss.

Mr. CAMBRELENG replied briefly to the opposers of the bill, and referred to sundry acts heretofore passed on the same subject, and for the postponement of time and relinquishment of interest in purchase of the poor land of the West. Mr. C. assured the House that if the bill were not adopted, the Government would lose three times the amount of the interest proposed to be relinquished.

Mr. WISE begged to inquire of the gentleman from New York [Mr. CAMBRELENG] if the proviso, as amended yesterday, was meant to say or to assert that the money, in the hands of the collector or receiver, was not in the Treasury of the United States already?

Mr. CAMBRELENG replied, that he did not so consider it.

Mr. WISE said that was the point he wished the country to understand. He maintained that the money was in the public Treasury as soon as it was paid. If not, there was no security for the public money, as the individual might either "filch" from it, or use it for party purposes. If the public money, the moment it was received, was considered as in the Treasury, then, under

the constitution, not a cent of it could be appropriated without law. But, by the converse doctrine, it might be used for all sorts of party purposes, corruption, and patronage, and portions of it eke out at every step *in transitu*.

Mr. CAMBRELENG should be very happy to unite with the gentleman whenever a measure should be brought to regulate the periods at which the receivers of the public lands, and the collectors of customs, should make their returns to the Treasury. At present it was either law or usage; and, so long as the public money remained in the hands of the receivers of the public lands and collectors of the customs, so long was it liable to the correction of errors.

Mr. WISE and Mr. LANE made a few additional remarks; when

Mr. CHAMBERS, of Kentucky, moved that the committee rise: negatived, without a count.

The question was then taken on the motion of Mr. Hardin to strike out the proviso, as amended, to the first section, and it was decided in the negative: Ayes 59, noes 100.

Mr. WILLIAMS, of North Carolina, then moved that the committee rise: negatived.

Mr. CAMBRELENG hoped the committee would indulge him with the motion that the committee rise and report the bill to the House, when it could be amended in the House.

Objection being made, and the question recurring upon the amendments of Mr. Everett, Mr. E. withdrew them.

Mr. C. JOHNSON then moved the following amendment to the first section:

"That the Secretary of the Treasury be, and he is hereby, authorized, as he may deem best calculated to secure the interest of the United States, to cause to be extended the time of payment on all bonds heretofore given for duties on imported merchandise at the custom-house in the city of New York, and which was consumed in the late conflagration at New York by fire, and the owners of which had not been indemnified by insurance, to three, four, and five years, in equal payments: Provided, always, That in all cases where, in the opinion of the collector at New York, said debts, or any of them, be rendered insecure by such indulgence, that further and additional surety be required before the indulgence be allowed: And provided, also, That nothing in this act contained shall extend to bonds which had fallen due before the 16th of December last: And provided, also, That the assent of the sureties on all said bonds so extended be first had and endorsed on said bonds, respectively."

Mr. HOWELL moved the committee rise; negatived: Ayes 58, noes not counted.

The amendment was then negatived: Ayes 60, noes not counted.

Mr. PEARCE, of Rhode Island, then moved an amendment, allowing fifteen per cent. out of the public Treasury, upon the actual loss; which was negatived, without a count.

Mr. HARDIN gave notice that in the House he should renew some of the amendments withdrawn by the gentleman from Vermont.

Mr. GARLAND moved a further proviso, to confine the operations of the bill to citizens and residents in New York; which was rejected.

On motion of Mr. CAMBRELENG,

The committee then rose; and the bill, as amended, being reported to the House, was, on motion of Mr. C., made the special order for to-morrow: Ayes 86, noes 39.

The House then, at a quarter after five o'clock, adjourned.

Friday, February 19.

CUMBERLAND ROAD.

Mr. VINTON, from the Committee on Roads and Canals, reported a bill amendatory of the act for the continuation of the Cumberland road; which was read twice.

Mr. V. said that the bill proposed no appropriation. It had reference exclusively to a change in the location of the road in the State of Ohio. It was not necessary, therefore, that the bill should be committed. It was important, both to those who opposed and advocated it, that it should be speedily determined, so that the work upon the road might progress. Those who intended to object to the passage of the bill had no objection that it be ordered to a third reading, and they contemplated opposing it on its passage. He hoped, therefore, that the bill would be ordered to be engrossed, and that its further consideration be postponed until the second Tuesday in March.

Mr. MASON, of Ohio, was opposed to the bill, but had no objection to dispose of it at present as proposed by his colleague, [Mr. Vinton.] The people who were interested in opposition to the proposed change in the route of the road were now moving, and their remonstrance would be sent in at an early day. Some time, however, was necessary, to afford them an opportunity of being heard on the subject. The day to which his colleague had proposed to postpone the bill would give the desired time, and he had no objection, under the circumstances, that the bill should be ordered to be engrossed. An important report of Lieutenant Canfield, accompanied by a plat, on this subject, was ordered to be printed some six weeks since. He was sorry that this printing had not been executed; and, without intending to cast any censure upon the printer, he was in hopes that the report to which he referred would be laid on their tables before the bill was finally acted on, as it would facilitate and lead to a correct decision of the subject.

Mr. MERCER said a few words, which (as usual, from his manner of speaking) were not distinctly understood by the reporter. He was supposed to be opposed to the bill.

Mr. DUNLAP was opposed to giving precedence to this bill over other matters of more importance to other sections of the Union.

Mr WARDWELL could see no reason why this bill should have priority over other bills. He therefore moved to commit it to a Committee of the Whole House, and make it the order of the day for to-morrow.

Mr. VINTON said that, by ordering the bill to be engrossed, no person's rights were compromited, and he thought it strange that objection should be made from a quarter not interested, when those who were opposed to the bill did not oppose the course which he had proposed.

Mr. JUDSON was in favor of the commitment of the bill. Its merits should be discussed in committee. The motion of the gentleman from Ohio he considered premature and improper.

Mr. CRANE opposed the commitment. Nothing could be gained by such a course.

Mr. WARDWELL adverted to the history of the controversy in relation to the proposed change in the location of the Cumberland road, and contended that it was an ordinary proposition, and not entitled to any precedence or extraordinary consideration, at the expense of other measures before the House. It was likely, however, to create a great deal of debate, and he desired that it should take the usual course.

Mr. VINTON again urged the adoption of his motion, and opposed the one to commit.

The motion to commit was then negatived: Yeas 46, nays not counted.

The motion of Mr. VINTON was agreed to, and the bill was ordered to be read a third time on the 2d Tuesday in March next.

The House then proceeded to the special order of the day, being the bill for the

RELIEF OF THE SUFFERERS BY THE FIRE IN NEW YORK.

The bill, as reported from the Committee of the Whole on the state of the Union, is as follows; the words printed in italics being the only amendment adopted by the committee:

A BILL for the relief of the sufferers by the fire in the city of New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collector of the port of New York be, and he is hereby, authorized, as he may deem best calculated to secure the interests of the United States, to cause, to be extended, with the assent of the sureties thereon, to all persons who have suffered loss of property by the conflagration at that place, on the sixteenth day of December last, by the burning of their buildings or merchandise, the time of payment of all bonds heretofore given by them for duties, to periods not exceeding three, four, and five years, in equal instalments, from and after the day of payment specified in the bonds; or to allow the said bonds to be cancelled, upon giving to the said collector new bonds, with one or more sureties, to the satisfaction of the said collector, for the sums of the former bonds, respectively, payable, in equal instalments, in three, four, and five years, from and after the day of payment specified in the bonds to be taken up or cancelled as aforesaid; and the said collector is hereby authorized and directed to give up or cancel all such bonds, upon the receipt of others described in this section; which last-mentioned bonds shall be proceeded with, in all respects, like other bonds which are taken by collectors for duties due to the United States, and shall have the same force and validity: Provided, That those who are within the provision of this section, but who may have paid the bonds subsequent to the late fire, shall also be entitled to the benefit of this section; and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded, *if not previously carried into the treasury of the United States by warrant.* And provided, also, That the benefits of this section shall not be extented to any person whose loss shall not be proved, to the satisfaction of the collector, to have exceeded the sum of one thousand dollars.

SEC. 2. *And be it further enacted,* That the collector of the port of New York is hereby authorized and directed to extend the payment, in the manner prescribed in the first section of this act, of all other bonds given for duties at the port of New York prior to the late fire, and not provided for in the first section as aforesaid, for six, nine, and twelve months, from and after the day of payment specified in the bonds. Provided, however, That nothing contained in this act shall extend to bonds which had fallen due before the seventeenth day of December last.

Mr. CAMBRELENG moved that the House concur in the amendment of the committee; and on this question

Mr. HOWELL asked for the yeas and nays; which were not ordered: Ayes 23, noes 117--not one fifth.

Mr. ROBERTSON moved to amend the amendment by striking out the whole after the word "previously," and inserting in its place the following words: "if not previously paid into bank, to the credit of the Treasurer of the United States."

Mr. CAMBRELENG said he had no objection to that amendment, and it was then agreed to by the House.

The question then recurring on the amendment, as amended,

Mr. EVERETT inquired if it would not defeat the object of the section?

Mr. CAMBRELENG replied that it would not.

Mr. PARKER desired to know how the amount in bank, or in the hands of collectors, could be ascertained or discriminated? He thought the amended amendment was making a distinction without a difference; for he held that the moment a collector had money in his hands it was the property of the Goverment, and held by him in trust.

Mr. CAMBRELENG thought, himself, the amendment was of very little importance, for the provision of the first section was just as good without it as with it. Other gentlemen thought differently, and he interposed no objection; but he was indifferent whether it was concurred in or not.

Mr. ROBERTSON made a brief explanation. He said his object was to defeat the whole provision as it stood.

Mr. EVERETT thought it would defeat the provision altogether, and he should therefore vote against it.

Mr. McKAY said the amendment of the gentleman from Virginia was substantially the same as the proviso of the gentleman from New York, [Mr. CAMBRELENG.] He was opposed to the notion that the public money is in the Treasury as soon as paid to the collector; for, if so, that would make the Treasurer of the United States liable for all loss, error, or deficiency. It was not in the Treasury till it was deposited.

Mr. WISE was certain his friend from North Carolina [Mr. McKAY] was incorrect, or that provision of the constitution Mr. W. had before quoted, viz: that no money should be taken from the Treasury without the appropriation by law, was a nullity. He maintained that the Treasury was a unity, without any space between the first receipt and the deposite, and between the Treasurer and the disbursing officer. The public money was not paid to the collector as an individual, but, being due to the United States, was paid to one of its own officers. He expressed his surprise that the gentleman from North Carolina, for whose opinion on such subjects Mr. W. entertained a high respect, should have advanced such a construction as he had. The collector, receiver, treasurer, disburser, &c., were all officers of the Treasury, acting as checks on each other, accountable from the one to the other, and each could be sued on their bond. If this was not so, the constitution could be set aside; for if there was a point of time when the public money was not in the Treasury, then could it be appropriated without law during that intermission.

Mr. LANE understood the Treasury to be at bottom an ideal thing, and he held the receivers and deposite banks to be the agents of the Treasury. The receivers were no longer liable than for the time the money was actually in their hands; and so with the deposite banks. He held the money to be in the Treasury whenever it was received by one of its agents.

Mr. VANDERPOEL dissented entirely from the doctrine of the gentleman from Virginia, [Mr. WISE.] If that doctrine was sound, the moment the money was in the hands of the collector, it was in the hands of the Treasurer, and he was responsible.

Mr. WISE did not say so. He said the money was then in the Treasury, and the Treasury officer was that instant responsible for it, as was the Treasurer, when it came under his control.

Mr. VANDERPOEL said the gentleman's doctrine still involved an incongruity, because he would make the money to be in the possession of a Department, and yet the chief officer of that Department in no way responsible. Mr. V. held that, after the money was once in the Treasury, neither the Treasurer, the Secretary, nor

the President, had any power to appropriate or disburse it, except by virtue of appropriations by law. If the money, as soon as received, was to be regarded in the Treasury, the Treasurer ought to be held accountable for it. But this doctrine Mr. V. wholly dissented from.

Mr. ROBERTSON offered a verbal amendment, which he thought would remove the difficulty. He was informed that the bank entry of the public money was to the credit of the United States; and, to obviate any inconvenience, he proposed to insert, after the words "to the credit," "of the United States, or of the Treasurer of the United States." There seemed to be some difficulty in ascertaining where lay the Treasury of the United States. This was a matter which he believed the public had known very little about for the last two years, and was a question he should like to hear answered.

Mr. CAMBRELENG could not consent to this amendment; it was in opposition to a vote of the House on yesterday, of 159, and would nullify the proviso altogether.

Mr. GIDEON LEE, of New York, rose to ask the question, Would that House extend the relief asked by all the bond-payers to that class only who had availed themselves of the indulgence granted by the Secretary of the Treasury, and have suffered their bonds to lie over due these two months, and deny the same relief to that other class who, from a sensitiveness of their credit, from their high sense of honor, perhaps, could not consent to lie under the appearance of default, and have promptly paid their bonds?

The gentleman from Virginia [Mr. ROBERTSON] declared that his amendment intended to have this effect. All who have paid promptly were cut off from relief totally, while all those who had failed or refused to pay came in for the full benefit of the bill.

Mr. ROBERTSON'S last amendment was then disagreed to, and the original amendment, as amended, was agreed to.

Mr. HARDIN proposed to amend the first section by inserting in the sixteenth line, after the word "payable," "with interest at the rate of five per cent. per annum," and asked for the yeas and nays upon the question; which were ordered.

Mr. CAMBRELENG said there was no instance since the adoption of the constitution, where interest had been charged under similar circumstances; and he did therefore hope the amendment would be rejected.

Mr. HARDIN hoped the amendment would prevail.

Mr. TOUCEY said this money would be safer than if now exacted, or attempted to be exacted; and he should vote against the charge of interest, because he was well aware that, if the money were at once collected, it would lie in the Treasury without interest.

Mr. JENIFER was in favor of the amendment, and opposed to many parts of the bill, against which, in consequence, he should be compelled to vote.

The question was then taken on Mr. HARDIN'S amendment; which was disagreed to: Yeas 84, nays 117.

Mr. HARDIN then proposed a similar amendment to the second section of the bill, for the payment of interest at five per cent. on the bonds therein provided for, and also called for the yeas and nays; which were ordered.

Mr. BROWN said he had voted for the amendment which had just been rejected, with a view, if the motion to impose interest prevailed, to move to reduce it to four per cent. per annum, which he supposed to be sufficient. Although the second section embraced a class of debtors many of whom were not actual sufferers, and extended the time for the payment of their bonds six, nine, and twelve months only, he would still insist that, if interest was charged, it should not exceed four per cent. He would therefore move to amend the motion of the honorable gentlemen from Kentucky, by striking out five and inserting four per cent.

The question was then taken on Mr. HARDIN'S amendment, and the result was: Yeas 101, nays 96.

So the amendment was agreed to.

Mr. CAVE JOHNSON then renewed the amendment offered by him in Committee of the Whole, to strike out all the first section before the word "provided," in the twenty-fifth line, and insert the following:

"That the Secretary of the Treasury, be, and he is hereby, authorized, as he may deem best calculated to secure the interest of the United States, to cause to be extended the time of payment on all bonds heretofore given for duties on imported merchandise at the custom-house in the city of New York, and which was consumed in the late conflagration at New York by fire, and the owners of which had not been indemnified by insurance, to three, four, and five years, in equal payments: Provided, always, That in all cases where, in the opinion of the collector at New York, said debts, or any of them, be rendered insecure by such indulgence, that further and additional surety be required before the indulgence be allowed: And provided, also, That nothing in this act contained shall extend to bonds which had fallen due before the 17th of December last: And provided, also, That the assent of the sureties on all said bonds so extended be the first had, and endorsed on said bonds, respectively."

Mr. J. briefly explained the object of his amendment.

Mr. CAMBRELENG referred to the acts of 1803, 1804, and 1807, and said that in those acts no discrimination of property would be found.

Mr. C. JOHNSON asked for the yeas and nays, but they were not ordered, and the amendment was disagreed to: Ayes 66, noes 115.

Mr. EVERETT then proposed to amend the first section, by striking out, wherever they occurred, the words "three, four, and five" years; and insert "one, two, and three" years; and asked for the yeas and nays on his amendment; which were ordered.

Mr. CAMBRELENG referred to the case of Savannah, where credit had been extended to four years on the whole amount of bonds. This bill had extended it less than at any former period.

Mr. HARDIN said all the cases he had examined never went further than one year, as in Portsmouth and Norfolk. It was now admitted that those who had insured would be fully indemnified.

Mr. CAMBRELENG made a brief statement, showing that, by the operation of the former acts, under the old system of credits, the credit extended to the whole amount of bonds for four years.

Mr. LEE, of New York, hoped the House would not suffer itself to be guided entirely by precedent in a case which was entirely without a parallel.

The question was then taken, and the amendment was rejected: Yeas 96, nays 111.

Mr. WILLIAMS, of Kentucky, then moved that the House adjourn; negatived.

Mr. GARLAND, of Louisiana, moved an amendment to the first section of the bill, so as to restrict its provisions to citizens of the United States, and foreigners only residing in the city of New York; and explained in a few words the object he had in view.

Mr. GIDEON LEE hoped the amendment proposed by the gentleman from Louisiana would not prevail: First, because the amount to be excluded from the proposed relief would be very small; and, second, because it would raise interminable difficulties in the settlement of the complicated questions which would arise; and, finally, because I would not make this very in-

vidious distinction. I am not thus inimical to foreigners.

Mr. McKEON remarked that he hoped this amendment would not prevail. He was opposed to have such a proposition adopted by the representatives of a liberal and commercial people, who had their merchants in every foreign country on the globe.

Mr. GARLAND asked for the yeas and nays, but they were not ordered.

Mr. DAVIS moved that the House adjourn; negatived: Ayes 78, noes 98.

The amendment was then rejected.

Mr. PEARCE, of Rhode Island, renewed the amendment offered by him in Committee of the Whole, to allow 15 per cent. to the sufferers on the actual loss; which was rejected.

Mr. ROBERTSON moved to strike out the first proviso of the first section, as amended.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays; not ordered.

The amendment was negatived without a count.

Mr. GRAVES proposed to amend the bill by inserting, before the words "three, four, or five" years, wherever they occurred, "a period not exceeding;" which was rejected.

Mr. McKAY moved to insert in the ninth line, after the word "merchandise," the following: "who were not indemnified by insurance."

Mr. EVANS asked the consent of the House to submit a motion for an adjournment over to Monday.

Objection being made, Mr. CHAPIN moved to suspend the rule for that purpose.

Mr. GARLAND, of Louisiana, asked for the yeas and nays on the motion; which were not ordered; and the motion to suspend the rules was agreed to.

Mr. EVANS then submitted his motion.

Mr. MASON, of Virginia, moved to strike out Monday and insert Tuesday; which was carried: Ayes 105, noes not counted.

The motion, as amended, was then agreed to.

The question then recurring on the amendment of Mr. McKAY, that gentleman asked for the yeas and nays; which were ordered.

Mr. WISE moved that the House adjourn; negatived: Ayes 69, noes not counted.

After a few words from Mr. PHILLIPS and Mr. McKAY, the question was taken, and the amendment was disagreed to: Yeas 83, nays 110.

Mr. GRAVES moved a proviso, to come in at the end of the bill, "that no individual shall realize a benefit, under the provisions of the first section of this bill, greater than the amount of his loss, upon the calculation that the use of the amount he owes the Government is worth to him 6 per cent. per annum."

Mr. MORGAN asked for the yeas and nays; not ordered.

The amendment was negatived.

Mr. CHAMBERS, of Kentucky, moved to amend the bill by striking out the second section; and upon this motion he said he wished to submit a few remarks, notwithstanding the strong indication given by the friends of the bill of their impatience to pass it. [It was then five o'clock, and the House had twice refused to adjourn.] I am perfectly convinced (said Mr. C.) that this bill will pass, but that conviction only strengthens my determination to do my duty in resisting it. I am not disposed to complain of the anxiety of the friends of this measure to take the question upon its passage. I love the spirit of industry evinced by it, and congratulate the House upon the exhibition of such a spirit; it has not been very usual here. I think, however, the gentleman from New York, [Mr. CAMBRELENG,] whose peculiar province it seems to be to nurse this bill, ought, least of all others, to be impatient under the delay which has attended its progress; for, if I remember aright, some weeks since, when the sympathies, not only of the members of this House, but of the whole nation, were deeply excited by the then recent calamity under which their fellow-citizens of the city of New York had suffered, that gentleman, instead of pressing this measure, gave the premonitory sympton of a coming arraignment of a certain contumacious set of men in the other end of this building, who were about to be put upon their trial in this House by the gentleman from Massachusetts, [Mr. ADAMS,] for certain grave offences alleged to have been committed in the last hours of the last session of Congress. That arraignment has occupied much of the time of this House, but now sleeps, probably to wake no more, having performed its office of giving the honorable member an opportunity of venting the bitterness of his feelings, and showing the position he intends in future to occupy in the party divisions of the day. I beg, sir, not to be understood as intending to censure any gentleman for the delay to which this measure has been subjected; far from it. I am grateful for it, because it has probably saved me from repenting, at my leisure, a hasty vote which I might have given under the influence of strongly excited feelings of commiseration for the sufferers proposed to be relieved. The people I have the honor to represent are themselves a little impulsive in such matters, and, when their feelings are assailed by a scene of distress, or excited by a tale of human suffering, will most certainly put their hands into the first reservoir of the means of relief which presents itself, whether it be their public or private purse, and relieve to the extent of their means. I should not, therefore, have considered myself as misrepresenting them, if, under the impulse of the moment, I had rushed into the support of this measure; but the time most unprofitably spent in the arraignment of the Senate has enabled me to appeal from my feelings to my judgment; and the result is, that I cannot now vote for this bill.

Mr. Speaker, I presume it would not be strictly in order to go into a discussion of the merits of the first section of this bill upon the motion I have submitted to strike out the second section; but I take this occasion to say that, upon the general proposition to relieve the sufferers by the late fire in the city of New York, by the legislation of Congress, it cannot be sustained upon any principle which, if carried out in equal justice to every class of sufferers by fire or other unavoidable calamity, in every part of the country, will not leave us with a bankrupt Treasury.

We are told, sir, that the immense loss of property in New York is a national calamity; and so it is. So is the burning of the most humble cottage or cabin, and the household goods of its occupant, but in an infinitely less degree, I admit. By what rule are we to fix the minimum of suffering to which our power to give relief will extend? This bill adopts one thousand dollars as the lowest point of loss worthy of our consideration, so far as the relief proposed is predicated upon the existence of an actual loss of any kind; but the relief contemplated by the second section is perfectly arbitrary, and without even the pretext of loss. Now, I contend, sir, that, upon principle, if the national Legislature have power to relieve the citizens of the city of New York, under the circumstances of this case, it must have the power to relieve a suffering family, burnt out of house and home, without food, without a bed or blanket to protect them against the severity of the season, and remote from the sources of charity or sympathy; and that such are as much and as properly objects of relief from the national Treasury as the citizens of the city of New York. But admit, for the argument, that I am in error in this position, still I ask, where are we to fix the

point at which we are to commence to extend relief to sufferers by the numerous severe visitations by fire, wind, and water, to which the citizens of this wide-spread republic are daily exposed? If the humble tenant of a western cabin is too small an object for national munificence, do our burnt towns and cities of the West come within the sphere of your power to relieve? I mean, sir, those towns and cities that are, according to modern construction, out of the pale of the constitution, beyond the magic influence of ports of entry, and the collection of imposts. Sir, I have the honor to represent one of the most flourishing, prosperous, and commercial little cities of the West—the city of Maysville; and I remember that some years ago it was visited by a devastating fire, in which the loss sustained by individuals was, perhaps, as great, in proportion to its then population and wealth, as the loss sustained by he recent fire in New York. Did they petition Congress for relief? No, sir; they knew too well your course of legislation; they would have laughed at the proposition to come here for relief; their loss would not have been considered as of "a national character." I remember, too, that a few years since the city of Cincinnati, "the beautiful city" which my eloquent friend from Ohio [Mr. Storer] says he has the honor to represent, suffered severely by fire; but I believe it never occurred to the sufferers of that city to come here to have their debts installed, or borrow money without paying interest. A friend on my left [Mr. Peyton, of Tennessee] says, news has just been received here of a very destructive fire in the city of Natchez. I hope the sufferers will petition Congress for relief. They have a port of entry, sir, but I fear its magic influence will not avail them any thing; they are not in the right quarter; the very power that is irresistibly propelling this measure through this House will be found arrayed against them, if they come here for relief; there would be found a total want of analogy between a fire at Natchez and a fire in the city of New York.

We are told there are many precedents in the history of our legislation for the relief proposed in this case, and they have been strung out in imposing array before us; let them be examined by those who are anxious to sanctify one error by the commission of another. If the advocates of this measure will convince me that they have carried out, or will hereafter extend, the principle which this bill proposes to establish—that they have been, or will be, equally munificent towards my constituents under similar circumstances—they will do more to reconcile me to it than by the exhibition of any given number of cases in which they have heretofore acted with the same partial regard to local interests.

We were told the other day by the gentleman from New York, [Mr. Cambreleng,] that he had always voted for western measures—for the Cumberland road, the extension of credits on the public lands, and the reduction of their price. What did the gentleman mean, sir? that he had paid us in advance for our votes upon this bill? If that was his meaning, we owe him nothing on the score of his liberality; for he intended to exact the price of it when a proper occasion presented itself. That, however, could not have been the honorable member's meaning; he only intended, I presume, to be understood that his future liberality towards the West would depend upon the support which the West should now give to this measure. Sir, the West, so far as the people I have the honor to represent, in part, are concerned, owe the gentleman nothing. Nay, more, sir; we owe this Government nothing—not the first dollar—either to your justice or your generosity. Your annual millions are expended on the seaboard, in building and repairing ships, fortifications, light-houses, navy yards, breakwaters, and a thousand other objects for the protection and promotion of foreign commerce, while the internal commerce of the West must find its way to market without any of those extraneous aids, and is even taxed to pay you a per centum upon your stock in the Louisville canal. If we ask aid to construct a great and leading highway, we are told that it is not an object sufficiently "national in its character for the expenditure of the national treasure." No, sir; we have nothing national in Kentucky but our blood; that has been found sufficiently so in time of war to meet your gracious acceptance. Your public lands are lavishly bestowed upon our younger sisters of the West; their roads and canals are of a "national character." Well, sir, Kentucky does not envy them their good fortune; many of them are "flesh of our flesh, and bone of our bone." We have always furnished the pioneers of the West, and I hope the day will come when the West will, with united voice, demand justice at your hands for that portion of it to which you have never been generous, or even just. Then, and not till then, will Kentucky cease to pay without receiving. Let gentlemen cease to boast of their liberality towards the West, if they intend to include Kentucky in that designation. I cannot, nay, sir, I will not, permit them to tell me of their liberality towards the people I have the honor to represent, without letting them distinctly understand how far we recognise their claims upon our gratitude. I suppose I shall be told of the Louisville canal, and the pitiful sums employed in the improvement of the navigation of the Ohio. Sir, the Louisville canal is a Wall street concern—an eight per cent. stock job. Yes, sir; you are getting eight per cent. upon your stock in that concern. Shylock, if he were here, (and as he is not, I may be permitted to "personify a sentiment" under his name,) would take your stock off your hands. I cannot speak of this boasted act of national munificence towards the West, without indignation and contempt. You have laid out ten times as much money in constructing a breakwater in the Delaware, not with an eye to profit on the expenditure, not in the shape of stock, but for the accommodation and safety of the foreign commerce of the country, as you have invested in the stock of the Louisville canal, through which the commerce of ten States and two Territories is daily passing, and paying tribute to a corporation in which this Government is the principal stockholder. Even the great waters of the West seem to be deprived of their nationality by flowing along the margin of Kentucky.

And now, sir, having disposed of the gentleman,s claims to the gratitude of the West, I beg a moment's attention to the second section of this bill. Does it provide relief for the sufferers by the recent fire in the city of New York? Has it, in fact, any such object in view? Is it the object of the bill, in any part of it, to provide relief for the actual sufferers by the fire? No, sir; the real sufferers, the poor, without shelter and without food, who have lost their all by the fire, are not cared for in any single feature of this great relief measure; it is exclusively for the relief of the importers of foreign merchandise; those of that class who have lost a thousand dollars are provided for by the first section; and if it should happen, as doubtless it will, that some of them owe from fifty to a hundred thousand dollars to the Government, and get a credit of three, four, and five years, without interest, upon their debts, having lost but one or two thousand dollars, they will make a neat little speculation upon their losses. I will not stop to make the calculation, sir; let those do it who are making this offering upon the altar of charity. As to the second class of persons provided for by this bill, the mask is dropped by the second section of it. Their sufferings are not by the fire. No, sir; it is not even contemplated that they shall have lost a dollar by the fire or its consequence; their sufferings consist in being indebted to this Government for

duties on imported merchandise; not on goods which have been burnt, but, perhaps, on goods that have been sold at a profit covering the duties, and the money for them actually received; or, if not actually sold, certainly not the less saleable because an immense amount of goods of the same kind has been burnt—burnt in the hands of the purchasers from the importers. These, the purchasers from the importers, are another class of sufferers, actual sufferers, for whom no provision, no relief, is even contemplated by this bill. No, sir; the importers alone are thought to be within the legitimate scope of your power to grant relief, and they are to be relieved whether they have or have not suffered. And what is their pretext for it? Why, that they may be enabled to relieve others. They will be much more apt to use the money you are lending them to speculate upon the necessities of the real sufferers by this fire, than to relieve them. Well, sir, if we must take the pill provided by the second section of this bill, thanks to the untiring efforts of my colleague, [Mr HARDIN,] we have it gilded. Yes; we shall get five per cent. upon our money, (if the debtors do not become bankrupt before the instalments become due,) and five per cent. is a pretty good bargain. But is the Government of this great nation going to turn usurer, to lend money upon usance? We are told it is the first instance in which the Government has asked interest under like circumstances, and I hope it will be the last; and yet I voted for this same usury, and, for one, will insist upon the payment of it. If we must lend money, I will exact the interest, sir, unless I can discover some better inducement to the lending than exists in this case.

This Government is now rich, sir; the Treasury is full to overflowing; and, as we have not been able to get up a war upon which to expend it, we must find out some other means of getting rid of it; perhaps this loan may be the precursor of a system of lending from the public Treasury. Might we not get up a national bank, sir? Not "a monster," but a national concern; such as we might perhaps get a project for by applying at a certain white house in this city; such a bank as would not corrupt the members of Congress? I am aware, sir, that I address this House, in opposition to the measure under consideration, to no purpose. The importing merchants of the city of New York want the use of four millions of dollars of the public money, and they will have it; but, sir, I beg gentlemen to make up the record fully and fairly; let the journals of this House carry their names home to their constituents; let their disinterested benevolence stand recorded, so that the American people can know the liberal from the illiberal, and know to whom to apply in time to come for relief; let us have no "dodging," sir; I want gentlemen's consistency to appear on the journals, when, at a future day, they shall be called upon to relieve the inhabitants of some burnt city or town beyond the influence of the seabreeze.

Mr. WILLIAMS, of Kentucky, asked for the yeas and nays; which were ordered.

Mr. WISE moved that the House adjourn. Agreed to: Ayes 92, noes 84.

And, at a quarter before six o'clock,

The House adjourned over to Tuesday next.

TUESDAY, FEBRUARY 23.

RELATIONS WITH FRANCE.

The CHAIR presented to the House a message from the President of the United States, on the subject of our relations with France; which was read by the Clerk.

[Vide Senate debates, February 22.]

The reading of the message having been completed,

Mr. C. JOHNSON moved that it be laid on the table and printed, with the accompanying documents.

Mr. DAVIS moved that 10,000 extra copies be printed.

Mr. GILLET named 25,000.

The CHAIR said that the motion for an extra number of copies must, under the rule, lie over one day.

Mr. ADAMS moved to refer the message, &c., to the Committee on Foreign Affairs.

Mr. C. JOHNSON then withdrew his motion to lay the message on the table, and it was referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. PARKER moved to suspend the rule, for the purpose of considering, at that time, the motion to print an extra number of copies of the President's message.

Mr. WHITTLESEY asked for the yeas and nays on the motion to suspend the rule; which were not ordered.

The motion of Mr. PARKER was agreed to: Ayes 112, noes 41.

So the House determined to consider the motion to print additional copies of the message.

Mr. C. JOHNSON said that the ordering of extra numbers of public documents accounted, in part, for the extraordinary increase in the contingent expenses of the House, within the last few years; that a few years ago the contingent expenses of both Houses of Congress were less than twenty thousand dollars, and during the last year amounted to about three hundred thousand dollars, and the expenses of this House alone to more than two hundred thousand.

Mr. LAY said that they had now laid on their tables, for the first time, documents which had been ordered at the commencement of the session; he would therefore move that the message and documents be printed, and furnished to members before the 1st of June next.

The question was taken on this motion, and it was disagreed to.

Mr. PARKER said that this was a most important document, and one in which the community felt a greater interest than any message which had been sent to Congress the present session, and the House should publish it for distribution in every hamlet in the country. It announces to us that the money which was justly due from France, and has been wrongfully withheld, is about to be paid; and it also announced that our national honor has been sustained. The gentleman from Tennessee [Mr. C. JOHNSON] had said that the message would be published in every paper in the United States. That was true; but many of the papers were of a small size, and it would be some time before they could publish it; and then the shape in which it would be placed was objectionable. If there was a document on which he should place his frank, the present message was the one; and he did not want it in a newspaper, but in a book, so that it would be laid up and preserved.

Mr. ADAMS said there was an additional reason to those which were suggested by the gentleman from New Jersey, [Mr. PARKER,] and it was at least an equally powerful one with him for wishing the document to be distributed to its utmost possible extent. He meant what he conceived to be the moral of this controversy with France—the recommendation with which it closed, and the quotation from the almost inspired words of the Father of his Country.

Mr. BOON said that there were but few of his constituents who could get the message through the newspapers; he therefore moved that forty thousand copies be printed.

The question was taken on Mr. BOON's motion to print 40,000 copies; which was decided in the negative.

The question was then taken on Mr. GILLET's motion to print 25,000 copies; which was decided in the affirmative: Yeas 103, nays 72.

The following message from the President was then read:

To the House of Representatives of the United States:

I transmit to the House of Representatives, in answer to their resolutions of the ——— of February, instant, reports from the Secretary of State and the Secretary of the Treasury, with accompanying documents, relating to the relations between the United States and France. For reasons adverted to by the Secretary of State, the resolutions of the House have not been more fully complied with.

ANDREW JACKSON.

Washington, *February*, 18, 1836.

Mr. MASON, of Virginia, said that as there was then no necessity of referring these documents to a committee, he moved that they be laid on the table and printed; which was agreed to.

ORDER OF BUSINESS.

The CHAIR proceeded to call for reports from standing committees; when

Mr. ADAMS reminded the Chair that the rule required that, after the first thirty days of the session, petitions should be called for on the first day of the meeting of the House in each week.

The SPEAKER, on referring to the rule, announced that petitions were in order.

The question pending on the last petition day was a point of order arising on an appeal taken by Mr. Vinton from the decision of the Chair, on the presentation of an abolition petition by Mr. Briggs.

Mr. MILLER moved that the question of order be postponed till Monday next.

Mr. VINTON said that if the motion to postpone should prevail, it would apply only to the solitary case under consideration; for there were many other cases of a similar character that would immediately come up.

Mr. MILLER explained that his object was that all petitions which might give rise to debate should likewise be postponed; but he hoped the good feeling of members having abolition petitions would induce them to withhold them.

Mr. WISE, as a southern man, as a slaveholder, did hope the House would act upon the subject of the abolition of slavery, and no longer evade or dodge the subject.

The motion to postpone till Monday next was then agreed to.

Several petitions and memorials were then presented.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. ADAMS presented a petition for the abolition of slavery within the District of Columbia, and moved that it be referred to the select committee on that subject.

Mr. W. B. SHEPARD objected to its reception, and moved to postpone the further consideration of the preliminary question on the petition till Monday next.

Mr. J. Q. ADAMS objected; and

Mr. DAVIS then moved to lay that preliminary motion on the table.

Mr. BRIGGS asked for the yeas and nays; which were ordered.

The hour of one o'clock having arrived,

Mr. CAMBRELENG inquired of the Chair, what were the orders of the day?

The CHAIR replied that, by a resolution adopted some days since, the appropriation bills were made the special order every day, after one hour being devoted to the consideration of the morning business, except on Fridays and Saturdays.

Mr. CAMBRELENG moved that the rules be suspended in order to proceed with the call for petitions and memorials, with the exception of those which would give rise to debate, but subsequently withdrew the motion; and

Mr. LYON renewed it in a different form, viz: to suspend the rules for the same purpose, for this day, commencing at the Territories.

Mr. REED moved to amend that motion, so as to proceed in the order already commenced; agreed to: Ayes 84, noes 79.

The motion, as amended, was then agreed to: Ayes 122, noes 38. The rules were accordingly suspended.

The question then recurring on the motion of Mr. Davis to lay the preliminary motion on the reception of the petition presented by Mr. J. Q. Adams this morning on the table—

Mr. MANN appealed to the gentleman from Indiana to withdraw the motion, so that the vote of the House might be taken on the question of order.

Mr. DAVIS said he could not assent to the request, as he wished to preclude this debate, in order to give members an opportunity of presenting petitions from their constituents.

The question was then taken, and decided in the affirmative as follows: Yeas 120, nays 86.

Yeas—Messrs. Barton, Bean, Beardsley, Beaumont, Bell, Bockee, Boon, Bovee, Boyd, Buchanan, Bunch, Cambreleng, Carter, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Cramer, Cushman, Davis, Deberry, Dickerson, Doubleday, Dunlap, Efner, Fairfield, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Graham, Grantland, Grayson, Hammond, Albert G. Harrison, Hawkins, Haynes, Holsey, Howard, Huntsman, Jabez Jackson, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Klingensmith, Lane, Lansing, Lawler, T. Lee, Luke Lea, Leonard, Logan, Loyall, Lyon, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Maury, McComas, McKay, McKeon, McKim, McLene, Moutgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Pinckney, Rencher, John Reynolds, Joseph Renyolds, Ripley, Roane, Robertson, Rogers, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Spangler, Standefer, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Washington, Webster, Weeks, White, Lewis Williams, Sherrod Williams, Wise—120.

Nays—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Banks, Bond, Borden, Briggs, Brown, Bynum, John Calhoon, William B. Calhoun, Campbell, Carr, George Chambers, John Chambers, Childs, Clark, Crane, Cushing, Denny, Dickson, Dromgoole, Evans, Everett, Farlin, Philo C. Fuller, Granger, Grennell, Griffin, Haley, H. Hall, Hannegan, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hazeltine, Henderson, Hiester, Hoar, Howell, Hubley, Hunt, Huntington, Ingersoll, Ingham, William Jackson, Janes, Jarvis, Judson, Kennon, Kilgore, Kinnard, Lawrence, Lay, G. Lee, Joshua Lee, Lincoln, Love, Abijah Mann, Job Mann, Samson Mason, May, McKennan, Miller, Milligan, Morris, Parker, Dutee J. Pearce, James A. Pearce, Pettigrew, Phelps, Phillips, Potts, Reed, Russell, Schenck, Sloane, Sprague, Storer, Underwood, Vinton, Wardwell, Whittlesey—86.

Mr. MANN, of New York, moved to reconsider the vote of this day, postponing until Monday next the appeal from the decision of the Chair in reference to the abolition petition presented on Monday of last week by Mr. Briggs.

Mr. M. said he was induced to make this motion, in order that the question might be at once decided, and that the House should not be blocked up with similar questions, thereby excluding the presentation of all petitions of a different character.

He thought there was no more appropriate time than the present to decide this question. It was due to the importance of the subject that it should be met and decided promptly—it was due to the country that it should know what disposition Congress intended to make of this question.

Mr. MILLER said that, having failed in accomplishing his object in submitting his motion to postpone, he acquiesced in the motion of the gentleman from New York to reconsider, and was in favor of disposing of the question of order at this time.

Mr. WISE rose to make a prediction. When the gentleman from New York made the motion to reconsider, Mr. W. well knew that his appeal would be answered, and he expected that the gentleman from Pennsylvania [Mr. MILLER] would fully concur with the gentleman from New York. He begged the House to look at the fact that, when an appeal came from the South on the subject of slavery, it was unheeded, it was unsuccessful. Let it come from the gentleman from New York, and the gentleman from Pennsylvania would be found fully to concur with him.

Mr. BROWN rose to say that, so far as the remark of the honorable gentleman from Virginia [Mr. WISE] had any application, it could not embrace him. He had resisted the motion to postpone, because he wished the question of order settled now. It must be settled soon; for it was impossible the House should remain in its present state any length of time. Why not settle it now as well as next week, or any other time. He saw nothing to be obtained by procrastination. He came from a district which had not troubled the House upon the angry and engrossing question of slavery; and in sitting in silence in his seat for more than two months while the discussions were going on, in avoiding all agitations within these walls, as far as his influence could go, he believed he obeyed their wishes. The last thing he desired to do here was to debate the subject of the abolition of slavery in this District. In maintaining the most studied silence, he believed he obeyed the will of his constituents, as well as the dictates of his own judgment.

When the honorable gentleman from South Carolina [Mr. PINCKNEY] submitted his resolutions, he voted for them, in the hope that all future petitions, praying for the abolition of slavery, would go to the select committee of which that honorable gentleman was chairman; and that the business of the House would be permitted to proceed in the usual manner. In what situation did the House find itself now? It was manifest that petitions could not be presented, so long as the question of order remained undetermined, and the right of petition, for the time being, was substantially denied. It was for these reasons he had voted against the motion to postpone; and it was for these reasons he should now vote for the motion of his honorable colleague [Mr. MANN] to reconsider the motion to postpone, with a view to reach the question of order.

Mr. PINCKNEY moved to lay the motion to reconsider on the table; which was negatived: Ayes 85, noes not counted.

Mr. LAWLER asked for the yeas and nays on the motion to reconsider; which were not ordered.

The motion to reconsider was then agreed to: Ayes 101, noes not counted.

Mr. MILLER withdrew the motion to postpone.

The question then recurred on the question of order, which was as follows: On Monday of last week, a petition for the abolition of slavery within the District of Columbia was presented by Mr. BRIGGS, of Massachusetts. Mr. WISE raised the question of its reception. The CHAIR entertained that motion, and Mr. VINTON took an appeal from the decision of the Chair, on the ground that, by the adoption of the resolution of Mr. PINCKNEY, to refer all petitions heretofore offered, and which should thereafter be presented, on that subject, to a select committee, it was not in order to entertain the question of reception.

Mr. SHIELDS asked for the yeas and nays; which were ordered.

The point of order was discussed at length; and the decision of the Chair was sustained by Messrs. LAWLER, CUSHING, WISE, and GARLAND of Virginia, and opposed by Messrs. BEARDSLEY and GRENNELL.

Mr. VANDERPOEL said that his mind had not at first been altogether free from doubt or difficulty on this question, but his reflections had brought him to the conclusion that the Speaker was wrong, and he would now briefly submit the reasons that had brought him to such result.

On the 8th of February last, an honorable gentleman from South Carolina, [Mr. PINCKNEY,] for the very desirable and laudable purpose of establishing some mode by which these agitating abolition petitions could be disposed of, without a most useless, nay, a most exciting and mischievous debate, introduced a series of resolutions, which, after some debate, were adopted by a most overwhelming majority of this House; the first of which is the only one which is material to the consideration of the question now under discussion, and is in the words following:

"*Resolved*, That all the memorials which have been offered, or may hereafter be presented, to this House, praying for the abolition of slavery in the District of Columbia; and also the resolutions offered by an honorable member from Maine, [Mr. JARVIS,] with the amendment thereto proposed by an honorable member from Virginia, [Mr. WISE,] together with every other paper or proposition that may be submitted in relation to this subject, be referred to a select committee, with instructions to report adversely to the prayer of the petitioners, and according to certain requisitions contained in the resolutions."

Subsequently to the adoption of these resolutions, an honorable gentleman from Massachusetts [Mr. BRIGGS] presented a petition for the abolition of slavery in the District of Columbia. The question which had so often been agitated was again made by an honorable gentleman from Virginia, [Mr. WISE,] whether this petition should be received, and was about to be discussed at length; when it was urged by an honorable gentleman from Ohio, [Mr. VINTON,] that the question of reception could not now be contested or debated, because the House, by the adoption of the resolutions of the gentleman from South Carolina, had established a general uniform rule as to the manner in which these petitions should be disposed of. The Speaker decided that the question of reception was still open to objection and debate; and from that decision an appeal has been taken, which is now the subject under consideration.

Mr. V. said that, in order to determine the import, scope, and effect, of the resolutions introduced by the honorable gentleman from South Carolina, it was pertinent to inquire what object, what purpose, induced the presentation of those resolutions, and what circumstances attended their introduction into and passage through this House? It was well to inquire what was the old rule, what was the mischief; and then we could determine what sort of remedy was intended to be provided. Need he ask any gentleman what was the avowed object of the honorable mover of the resolutions, in bringing them to our consideration? It was, as all would readily answer, to avoid those interminable, unprofitable, and most "incendiary" debates which had previously attended the introduction of every one of these petitions.

The public mind at the South was said to be in a high state of agitation; it was highly important that it should be quieted, and all reflecting men could not but perceive that the constant and excited discussions here, on the introduction of these petitions, were calculated to accomplish any thing but to quiet the troubled waters. They could only serve to impress the abolitionists of the North with the idea that they had become, or were becoming, wonderfully formidable, and increase the apprehensions which the slaveholders of the South so naturally cherished. The animated and ofttimes bitter discussions, provoked so constantly here by the offer of these petitions, could only serve them to do mischief at both ends: to stimulate the abolitionists to greater exertions, and increase the alarm of those upon whom their mischievous doings were designed so prejudicially and disastrously to operate. It was highly important, then, that some movement should here be made, that some plan should here be adopted, by which the mischievous consequences of constant discussion and agitation might be avoided; and that very large and decided majority, which voted for the resolutions of the gentleman from South Carolina, hailed his proposition as the sure, the acceptable means, by which the evils which we had so long encountered might be thereafter avoided. The source, too, from which they emanated (a gentleman from a slaveholding State) was well calculated to make the remedy which he intended to work more complete.

It is not assuming too much, sir, to suppose and affirm that all who voted for his resolutions did so under a conviction that this whole subject had received its quietus, at least till after the report of this instructed committee should come in; but now, sir, if we sustain the decision of the Chair, and adopt the course contended for by the gentleman from Virginia, [Mr. WISE,] then we will indeed have labored in vain to dispose, even for a season, of this troublesome subject. All the fond hopes of those who supported the resolutions of the gentleman from South Carolina will be blasted, and a conflict, unprofitable as it is mischievous and painful, will again be commenced on this floor. He begged gentlemen to look to consequences before they voted upon this question.

Mr. V. contended that the resolutions of the honorable gentleman from South Carolina, [Mr. PINCKNEY,] now that they were adopted, had all the force and efficacy of a standing rule of this House; and when we recurred to the manner in which they were introduced here, we would be more ready to admit that they had all the essential characteristics, and should therefore have all the force, of a standing rule. Were they introduced in reference to, or provoked by, any particular petition? No. The honorable gentleman from South Carolina had offered them as independent propositions, not applying to any particular isolated petition or document, but as general rules to dispose not only of the abolition petitions that had been presented, but to direct the disposition of those which might afterwards be presented. It was competent for a majority of this House to establish a general rule, and then it could be rescinded, in reference to a particular case, only by a vote of two thirds of the House. If it was competent for the House to establish standing rules, in relation to any subject of great interest to the nation, (which no gentleman would deny,) then this was, to all intents and purposes, one of the standing rules of the House, which directed "that all petitions which might thereafter be presented should be referred to a select committee, with instructions to make such a report as should guard against the future influx of these agitating documents into this hall." How can gentlemen, then, in the face of this standing order or rule of the House, object to the reception of the petitions? Sir, (said Mr. V.,) I voted for the resolutions, (and so, according to the most obvious rules of common sense, must every gentleman who voted for them have voted for them,) on the assumption that the petitions, if presented, would be received; for, sir, the reference of the petitions, which the resolutions so emphatically orders, presupposes the reception of them. You cannot refer a thing to a select or general committee before it is received; and he was sorry to hear his honorable friend from North Carolina [Mr. BYNUM] a few days ago contend that he did not consider the resolutions as imposing any obligation to receive these petitions. He did not consider the reception of them as so very respectful to the petitioners, when they were referred for the very purpose of not only procuring the rejection of their prayer, but of calling forth such arguments and expostulations as should guard against our being troubled with them hereafter. To receive a thing for the purpose of killing it, was not, in his humble estimation, such a reception of it as was objectionable on the score of respect to those who sent it here.

But gentlemen tell us they want discussion. They do not like to be muzzled when these petitions come here. Sir, (said Mr. V.,) how completely has the policy of a certain section of this country changed within a few short years. He well recollected that, less that two years ago, upon the introduction of one of these petitions praying for the abolition of slavery in the District of Columbia, a discussion was commenced in relation to it, in which some gentlemen from the South evinced a disposition to participate, when an honorable and distinguished gentleman from Virginia, whose great experience gave him a well-merited influence here, [Mr. Archer, now not a member,] rose in his place, and admonished southern gentlemen, by every consideration of regard to their great interest, not to discuss this matter.

[Here the SPEAKER interrupted Mr. V., and said he was travelling out of the legitimate range of debate.]

Mr. V. said he had many things more to say; but he was apprehensive that he would be obliged very soon to choose the alternative which his friend from Virginia [Mr. GARLAND] had just submitted to with so much grace, viz: take his seat, and forego the residue of his speech.

He would, however, before he closed, remind the House on what grounds the reception of these petitions was objected to, before the adoption of the resolutions of the honorable gentleman from South Carolina.

[Here Mr. GARLAND called Mr. V. to order, and the Speaker decided that he was out of order.]

Mr. V. then concluded by remarking that, for the reasons which he had already urged, and for ninety-nine other reasons, that he could have urged, if he had not been arrested by calls of order, he would vote to reverse the decision of the Speaker.

Mr. MANNING, of South Carolina, rose next, and spoke as follows:

Mr. Speaker: Should the decision of the Chair, which has been made, remain unreversed, then this strange anomaly will be forced to result from it: that the resolution offered by my colleague from South Carolina, [Mr. PINCKNEY,] and adopted by an overwhelming majority of this House, intended to answer a definite and special object, will be wholly defeated; because it will be essentially changed, so as to fail in answering the most important purposes for which it was originated, and on account of which it was supported by its friends. The objects, highly important as we believe them to be, intended to be accomplished by its adoption, will, after the mature and deliberate action of this branch of Congress, be wholly changed. I trust that no skill, however adroitly or powerfully used, will ever so far succeed as to prevent the full action of this resolution from effectuating those

important final results which the originator and friends of it do most ardently anticipate. We hope in the God of our country, that the exponent of this will be such as to gladden the hearts of patriots; and sooth arising irritations, by renewing confidence in every portion of this widely extended country. I regard this resolution as a settled rule for this House, as much so as any which it can adopt under its legitimate functional action. No parliamentary law, sanctioned by wisdom and consecrated by usage, can be more so. If the Speaker can by his decision reverse this resolution, which expresses and means "that all the memorials which have been offered, or may hereafter be presented, to this House, praying for the abolition of slavery in the District of Columbia, be referred to a select committee," &c., so as to mean no more than that all petitions or memorials which had been received at the time of the adoption of the resolution shall be referred to the select committee raised under it, and that therefore all of a like character, subsequently introduced, could be allowed to take any other direction, then the whole character, scope, and extent of it will be so limited as to countervail the specified and declared object of it. If this be true, then he has power to suspend, alter, or change, any deliberate act of this House, intended as a rule for its governance.

I know full well the responsibility and delicacy of the Speaker's situation. I feel and acknowledge how important it is to the orderly management and proper deliberation of this body that he should be sustained by all parties in his general efforts to preserve proper decorum. I would do all in my power, generally, to sustain the Speaker; but, in this instance, I feel a paramount duty to myself and to my country to urge upon this House a reversal of his decision. I wish that this course had been pursued at the very first moment when indications were given that the usual mode of disposing of these memorials and petitions was to be abandoned. The usual practice of both branches of Congress has been to lay them on the table, or to refer them to a committee. This has been the practice not only of this House, but of the Senate also. There they were laid, there they have remained, to sleep that sleep of oblivion which they so justly merit. On some occasions such petitions were referred to the Committee for the District of Columbia, from whose safe keeping they never escaped to see light of day, or to accomplish that magnitude of evil which they were calculated to produce, through the agency of wicked or thoughtless citizens, who originated them or sent them here. It has been painful to many, and indeed to most of this House, that we have been carried away from that practice of both Houses of Congress, in the disposition of anti-slavery memorials and petitions, which, heretofore, has been found so safe and politic. We were driven reluctantly to pursue some mode by which we hoped to arrest that tendency of things here, which we deeply feared might lead to incalcuable evils and to dangerous results. We hoped, by this resolution, to stay debate, to prevent discussion, to keep down irritating, heartburning invectives, and to unite Congress by a strong expression of its feelings and opinions, both as regards the States and the District of Columbia; so as to remove doubts, give renewed security, and unite us once more in the bonds of common interest and of united affections; and that we might meet and unite upon a broad and common ground, from which distracting and agitating questions might be avoided, and where varying and practically unimportant abstract notions and opinions might have no influence in preventing useful and practical results. Our aim has been to reach practical objects, to prevent discussion, to keep down excitement of one portion of the Union against the other, to restore harmony, confidence, and that feeling of security to life, liberty, and property, without which Governments cannot long exist in this age of the world, and without which they would, if they could exist, be a curse.

Sir, I have been filled with anxiety and care at the course which things are taking in this country. My bed is not refreshing to me, as it used to be. Unhappy visions flit across my mind; thorns are planted under my pillow; the air does not refresh me as in other days; the sunbeams do not bring those gladdening and animating sensations to my frame, as was the case when our southern country was happier and more united; when the South, the land of generous feeling and of noble sentiment, the land of hospitality and of elegant and polished life, of warm, impassioned, and sweeping eloquence, and of moral and intellectual power, was one and united. These are the bright features by which our southern States have ever been characterized; these are the fine traits which adorn the lovely character of the South. This interesting country, in earlier and happier days, was united, was full of hope, and rioted in the grand prospective of the distant future; and as the series of events unfolded the rising prosperity of our State and common country, all was joy, hope, and gladness. The times are changing; slowly operating causes are producing discontents; undefined apprehensions are succeeding to full and unlimited confidence; a thrilling sensibility has been awakened, under clouded apprehensions that attempts may be made to unsettle the existing order of things by an interference directly in the District of Columbia, at no distant day, with the rights of the slaveowners; and by making this a mere first move, into a more extended and general system of operation in the slaveholding States at some still more distant day. The object of the friends of this resolution is to disabuse the public; to substitute for improper, correct statements; to present just views of northern sentiment and feeling, in relation to our institutions; and to give the other portions of our common country an opportunity of putting down those wild and erratic movements at the North, by which those who aim at pressing their memorials and petitions upon Congress, that they may produce discussion, excite feelings, and thus force themselves and their objects into the notice and under the consideration of a thinking, speaking, and writing age, may fall short of their aim. Their success will best be secured, and their ends best answered, if they can but so far press themselves and their objects upon the notice of the country as to produce excitement, awaken resentment, or elicit abuse. Under the silence of contempt, or under the indignant rebukes of the lovers of order and stable government, they will dwindle down to their proper and safe dimensions. If let alone, they will sink into that insignificance which they merit; they will sink under those rebukes, from the moral and intellectual forces of our northern brethren, which seem to await them. If they progress, the battle must be, will be, fought at the North. The good of society, the safety and happiness of every portion of this country, will bring about this result; for if these crusaders against the rights and interests of the slaveholding States are permitted by northern portions of this country to move on in their erratic course, they will produce such throes and convulsions, not only in the South, but in the North, that the established order of things will become unsettled; the reign of law and of liberty will be endangered.

The South, sir, ought never to debate this question; it ought never to discuss it; for discussion will produce excitement, one degree of excitement will beget another; a warm and animated southern excitement, will, nay, must, produce a corresponding northern excitement; each will grow in character and in degree, until a grand northern interest may stand opposed to a grand southern interest. The North, then, becomes arrayed against the South, and the South against the North. I will not allow myself

to inquire, under a juncture like this, what will become of this our beloved and happy country? Under such circumstances, truly, will the hearts of patriots tremble for the ark of our political safety. The ground assumed in the resolution is not only a broad and common one, upon which all may safely unite, but is one broad and ample enough to sustain all the rights and interests of the South.

Under the compromises of the States, which led to the formation of this Government, and to the adoption of the constitution of the United States, we believe, however other gentlemen may differ from us, that Congress, under them, has no power whatever to interfere, directly or indirectly, with the slave property of the citizens within the District of Columbia, any more than it has to interfere with houses, or land, or any other description of property. It cannot do this otherwise than in such way, and for such high and necessary purposes, as has been clearly and definitely expressed in the constitution itself. Property cannot be taken by the Government from its citizens, without full and adequate compensation; and then only for such important purposes, and for such absolute wants, as the safety of the country may require. Under these compromises, in reference to the property of the slaveholding States, the constitution of the United States was adopted; with these understandings the Government was formed; upon these, as their proper basis, rest the constitution and Government. These, then, under legitimate deductions of reason, are the spirit and life of the constitution and Government; and under their broad banner we the people will protect and defend our property and lives, should this sad alternative ever be forced upon us. When Virginia and Maryland made a cession of the ten miles square, within the limits of this District, they never for a moment believed that the original and inherent right of those States would be or could be transferred to Congress, so that it could interfere with the rights of property of their citizens who lived upon the soil. Neither could Maryland or Virginia do any such act, or make any such transference. The constitution of neither State gave any such power to their respective Legislatures. If no such power resided in the constitution, then any such attempt to exercise it, on the part of the Legislatures, would have been a gross usurpation of power, never yielded by the people. Nothing but an act of the people, in convention, could have yielded that power, which certainly was never granted under those State constitutions. Then it is as clear as light that the Congress of the United States never can interfere, so as to emancipate the slaves in the District of Columbia, until the people of Virginia and Maryland, in conventions of the people of those States, shall see proper to confer the power. I believe that an unfortunate issue was made up, when a fundamental principle of our Government was connected with the question of slavery. What would, if this course should be pursued, be the result? By a forced and unnatural action of this House, you would drive--not the abolitionists, for they, under any circumstances, are and will be against us--but you drive on a most important vote those who differ with us on a mere abstract legal opinion, but who are among our very best friends, the abiding friends of southern rights, and who are firm and unwavering supporters of those compromises under which the States united to form the Government of the United States. This denial of the right to petition, gentlemen never could have yielded. They would have been rebuked by public sentiment for yielding one of those great principles upon which rests, fundamentally, not only our Government, but without which no free Government can exist. Besides, sir, where was the necessity of taking this ground? It is one which is impracticable, one which cannot be maintained by republicans. It would, if persevered in, drive from us those very friends who, to protect and defend the existing order of things, to preserve the Government, protect and defend the Union of these States, and the rights and interests of the southern, or of any other portion of this confederacy, would, in the manly and patriotic language of the present Governor of Massachusetts, used some years ago, "buckle on their knapsacks, and with arms in hand, rally to the support of the laws and constitution of this country." Yes, sir, to the defence of those very compromises under which our fathers, with their fathers, cleaved down British power in this country, and under which they, together, built up that form of government which is the admiration of the civilized world at this day.

I believe that without a resort to this mode, or to some other like it, by which the broad field of discussion, opened on this vitally important subject, should be closed, the heat created here, and thrown off in every direction, like as from a great central fire, would not, like common radiant heat, lose its intensity as it departed farther and farther from its great source, but would gain intensity and violence as it progressed, from the elements upon which it would feed. There is nothing in this country which has connected with it so many dangers to this Union as this very question of slavery. The unhappy relations which lately existed between this country and France, and which, I thank God, are so happily settled to the honor of my country, to that of France, and of England, were, to the lovers of order and security, a matter of secondary importance; nay, a war with France, and with the combined world, and a fortunate and happy issue out of it, could not be of half so momentous a consideration to this country as a proper and safe settlement of this vexing and harassing question.

This settlement could not be accomplished, and never will be accomplished, by motions to reject "*in limine*," petitions or memorials. Good results can never be produced by illegitimate and unwarrantable means. If petitions and memorials are presented, licentiously abusing the sacred and fundamental right of petition, on the receipt, Congress will instantly reject, or pursue such mode as either to treat them with the silence they deserve, or will take such measures, give such rebukes, or inflict such punishments, as the propriety of the case may require. The abuse of a principle must be separated from the principle itself. Fundamental principles ought not, cannot, be impaired or be trenched upon, because abuses grow out of practices upon them. Licentiousness but too often springs up from the wickedness of mankind, under the purest forms which free Governments can be made to assume. This is incident to all human institutions; but for this, the great foundation upon which they are built cannot, ought not to be disturbed. Those who administer this Government, and those who legislate unde it, must have such virtue and wisdom as will check and control, so as to give a safe direction to whatever may come under their legitimate action. If this should be otherwise, the Government itself will fall to pieces.

In 1805, a memorial was offered in the Senate of the United States, praying for the emancipation of slaves in the States. On the question to receive, the vote in the Senate was nineteen in favor of receiving, and nine against it. Among the nineteen was the venerable and distinguished name of General Sumter, of South Carolina. It is impossible that the denial of the right of petition can be sustained under a republican Government. This distinguished patriot, soldier, and statesman, the immediate and intimate friend of Mr. Jefferson, in whose firmness, correctness of opinion, and strong republican virtue, Mr. Jefferson is said to have had more confidence than in any man in Congress at that time, could not, as a republican, with all his strong southern feeling, and

his perfect devotion to the true interest of the South—could not, as a supporter of the true theory of the Government, do otherwise than vote that this principle of the Government should not be violated, and that the memorial "should be committed."

In 1790, on the presentment of a memorial praying for the abolition of slavery in the States, debate arose, and began to take a warm and inflammatory character, and to assume such an aspect as to make it proper at once to dispose of the irritating subject. Mr. Madison, then a member of Congress, moved to refer it to a select committee. This was done. The report was made; this satisfied Congress and the country. Within a few years, petitions of a similar kind were referred to the Committee for the District of Columbia. A strong report was made by Mr. Doddridge, of Virginia, which was acceptable to Congress, and which satisfied the country.

Sir, excited gentlemen at the South are surely not aware of the extent and character of the injury they are doing to our interests, by discussions on the memorials and petitions which are sent here by unreflecting or wicked abolitionists. Is it not bad policy to bring either their newspapers, their books, or their false pictures, into public notoriety? Is this not accomplishing one of the objects which they most ardently desire?

The tendency of this course of action on the one side, and of the counteraction on the other, is, I contend, to throw the elements of civil society into dangerous commotions. The truth of this is deeply impressed upon my convictions, and I feel that something ought and must be done to arrest the tendencies which are rapidly developing themselves.

How different was every thing in relation to this subject during the last session of Congress, to what it has been during the present session. I was gratified then, as a southern man, and as an American citizen, to observe the direction given to such anti-slavery memorials as were presented. As they were offered, then, they were successively laid on the table, and were never again called up. This was in conformity with the common usage, and, with the few exceptions stated, has been the invariable practice of Congress, from the origin of this Government to this time. Not a word, during the whole session, was spoken, to the best of my recollection, on abolition, either on the floor of Congress or elsewhere.

I deplore it as a deep misfortune, that the common practice of the Congress of the United States has been abandoned; that the course of southern presses and southern policy has been abandoned; that the order of business and the time of this House, have been, to a considerable extent, occupied with the discussion of these miserably disturbing petitions and memorials.

From my earliest recollections, from my childhood up to this time, it has ever been the settled and fixed policy of the southern people never to write, to speak, or to print, any thing on this all-absorbing question. Consult the old men of this day—look over your public legislative journals—look over the columns of the newspapers in the southern States, and you will find nothing to disprove what I have here asserted. Sir, I am not mistaken: this has been the settled policy of the South, and wherefore depart from it?

The slave property of the slaveholding States has been, and is, so surrounded and guarded by the sanctions of prescriptive right, by long lines of inheritances, by the approbation of civilized man at that period; and, since its first institution, by the joint purchase with the united capital of northern and southern men of this kind of property; by the sanctions of laws, compacts, and constitutions; by the approval of a purely virtuous and enlightened clergy; and, more than all, by the arrangements under the plans of Divine Providence, that no question or doubt could ever be entertained by us. Our policy has been, and still is, never to discuss, never to entertain discussions. And if the countless guards, which we believe are sufficiently strong to protect and to secure our rights, should fail us, we should then be compelled to employ all those means of self-defence and protection which the providence of God has placed amply within our reach.

What I have said is not the opinion of yesterday. It is one which was publicly expressed, and which was, I presume, publicly recorded, in 1826.

One objection urged against the resolution under consideration is, that it is improper to reaffirm that Congress has no power to interfere with slavery in the States. How can a reiteration of a self-evident proposition impair or weaken its force? Can the repetition, for ten millions of times, that two and two make four, impair this self-evident truth? Or the reiteration of the truth, that the whole is greater than a part, weaken, one jot or tittle, the certainty of this postulate? Or can the fundamental truth, that Congress has no power to interfere with slavery in the States, add to or take from its certainty? It cannot. I believe, with many who have voted for and supported the resolutions, that Congress has no competent power to interfere with the existence of slavery in the District of Columbia. I have already declared that this is my own belief; but, sir, all the friends of southern rights do not believe as we do, but entertain a difference of opinion on an abstract constitutional question, with regard to the powers of Congress over this District. Those gentlemen who differ from us on this point are as staunch and abiding, nay, as devoted friends of our institutions, as the purest and loftiest patriots to be found on earth. Was it politic or expedient, under these circumstances, to assume a ground on which, for practical results, the advocates and friends of southern rights and southern security, under the compromises of the constitution, were unavoidably to be separated? Was it right to bring on a forced and unnatural action of Congress on the constitutional question, when it was to result in an impolitic division and separation of our friends? Was it politic that a weak vote should go forth, making it appear to the world that the great majority of Congress were against the rights and interests of the South? This would have given a false and unnatural presentation of the true feeling of Congress to the people of the United States. It would have produced distrust, created unkind feelings, and would ultimately have had an evil bearing on the safety and happiness of this country.

I approve the resolution offered by my colleague, [Mr. PINCKNEY,] most cordially. I say to him, to this House, and to my country, that I believe his motives are honest and disinterested; and that his conduct on this occasion is worthy of that name which he bears, and which, connected as it is with the history of this country, is dear, and ever will be so, to the American people.

Sir, if this resolution fail to effectuate its legitimate and laudable object, it will be because the opportunity afforded for quieting the country, and for obtaining for all useful results a strong and decided declaration from Congress, shall be unwisely defeated. It will be defeated by creating, under unjust excitement, and from bitter invectives against our northern friends, counteractions to the efforts which they have been and are still making to rebuke and prostrate the wild and unhallowed efforts of those wicked men who are acting without a just regard to the rights and interests of the South, or without foreseeing the throes and convulsions which must inevitably result from their course of action, should it not be arrested.

If these reckless agitators continue their course, and northern integrity and northern patriotism should not

put them down, these melancholy realities will be the result. They will convulse this republic to its centre, and lay bare its massy foundations. Instead of conferring benefits upon the black race, whose exclusive champions they profess to be, they will stay, and perhaps forever, those meliorating causes which have been gradually exercising their influences for the last thirty years upon the condition of the slave population of this country, and will consign it to a necessary and inevitable condition of greater severity. Yes, sir, they may produce that deplorable condition by which their utter destruction may be necessary to secure the safety of this country. Was it ever yet known, in the history of mankind, that two distinct colors could coexist on terms of equal civil and political liberty? Sooner than this shall ever be realized, the one or the other will be exterminated.

When the abolitionists, in their Quixotic notions of general emancipation, press forward to their objects against the arrangements and the established order of things under the plan of Divine Providence, they censure the wisdom and virtue of our common ancestors, condemn the usages of the patriarchal ages, disregard the sanction of the Bible, and arraign the justice and wisdom of God.

I feel assured that the virtuous, the considerate, the lovers of order, the supporters of the Union, and of life, liberty, and property, have made up a cool and deliberate judgment that northern people have nothing to do with the institutions of slavery in the South; that to attempt to interfere will eventuate in remediless injury to the black and to the white population, and that the end may be to destroy that beautiful fabric of Government which has for fifty years given unrivalled happiness and prosperity to this country, and which has produced, by successive actions, the happiest changes on every Government in Christendom. I have predicated my opinions and declarations, with regard to northern faith and northern patriotism in reference to slavery in the slaveholding States, upon my earliest convictions with regard to that enlightened and admirable portion of our common country; upon those historical recollections which made us one people; upon the declarations of gentlemen from every portion of the country, possessed of all the means necessary to enable them to give just views of public feeling and sentiment; upon the declarations of the people in their primary meetings, contained in their deliberate resolves; upon the addresses and avowals of many of the best and wisest of the North; upon executive messages to different State Legislatures in the northern sections of the Union, and upon the unequivocal declarations and assurances of the great body of both branches of Congress. These are the grounds upon which I predicate my belief that, with the exception of the mere abolitionists, northern feeling and sentiment are perfectly safe, and that the moral and intellectual forces of the country will prevail, if southern folly and excitement do not prevent it, in prostrating northern folly and fanaticism.

Under these circumstances, and with these convictions, I call on the Congress of the United States, under deep and solemn feelings, to regard this question, which is most injuriously affecting the people of this country, and to unite, by some decisive act, to quiet and arrest the course which things are taking; for, if this agitating subject be not settled, and excitement and agitation shall be allowed here, then you will meet in this Capitol, sir, some one or two years hence, under such circumstances of feeling and of deep dissatisfaction as will endanger the safety and duration of this Union. I call upon members, from every section of this great and powerful confederation, under a just and proper sense of duty to the republic, to compromise differing opinions, and to give confidence and security to every section of this blessed and happy country. This Government was born under a lofty and enlightened spirit of compromise, and it cannot exist one year without it. Moderation, justice, and forbearance, are necessary and cardinal virtues in carrying on the great plans of self-government first conceived and executed by the conscript fathers of this country. All will be elemental war, unless wisdom, rather than passion, shall preside over the councils of the nation, in the management of the multifarious interests and endless concerns of this extensive and mighty country.

Mr. GALBRAITH demanded the previous question; which was seconded by the House: Ayes 104, noes 70.

On the question, "Shall the main question be now put?"

Mr. GRANGER asked for the yeas and nays; which were ordered; and the question being taken, was decided in the affirmative: Yeas 123, nays 84, as follows:

YEAS—Messrs. Adams, Chilton Allan, Banks, Barton, Bean, Beardsley, Beaumont, Bockee, Boon, Bovee, Boyd, Brown, Burns, Bynum, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapin, Cleveland, Coffee, Connor, Craig, Cramer, Cushman, Davis, Deberry, Dickerson, Dickson, Doubleday, Dunlap, Efner, Fairfield, Farlin, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Grantland, Haley, Joseph Hall, Hiland Hall, Hamer, Harper, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Henderson, Hiester, Holsey, Howard, Hubley, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Janes, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Gideon Lee, Joshua Lee, Leonard, Logan, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, Wm. Mason, Moses Mason, May, McKeon, McKim, McLene, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, D. J. Pearce, Phelps, Pinckney, John Reynolds Joseph Reynolds, Roane, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Sprague, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Weeks, Sherrod Williams--123.

NAYS—Messrs. Heman Allen, Ashley, Bailey, Bell, Bond, Bouldin, Briggs, Bunch, J. Calhoon, William B. Calhoun, Campbell, Carter, John Chambers, Chapman, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Denny, Dromgoole, Evans, Everett, Forester, James Garland, Rice Garland, F. Granger, Grayson, Grennell, Griffin, Hammond, Hard, Hardin, Harlan, Hazeltine, Hoar, Howell, Ingersoll, Jenifer, Henry Johnson, J. W. Jones, Lawler, Lawrence, Lay, Luke Lea, Lincoln, Love, Loyall, Lyon, Samson Mason, Maury, McKay, McKennan, Milligan, Morris, Patton, James A. Pearce, Pettigrew, Peyton, Phillips, Potts, Reed, Rencher, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Slade, Sloane, Spangler, Standefer, Storer, Taliaferro, W. Thompson, Towns, Underwood, Vinton, Webster, White, Whittlesey, Lewis Williams, Wise--84.

So the House determined that "the main question shall be now put."

The main question, which was "Shall the decision of the Chair stand as the judgment of the House?" was then taken, and decided in the negative, as follows: Yeas 56, nays 147.

YEAS--Messrs. Bouldin, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, John Chambers, Chapman, Childs, Nathaniel H. Claiborne, Cushing, Dickson, Dromgoole, Everett, James Garland, Rice Garland, Graham, Grayson, Griffin, Hamer, Hammond, Hardin, Hoar, Holsey, Huntsman, John W. Jones, Kinnard, Lawler, Luke Lea, Loyall, Lyon, Mar-

tin, John Y. Mason, Maury, McComas, McKay, McKim, Morgan, Parks, Patton, James A. Pearce, Pettigrew, Phillips, Potts, Reed, Roane, Robertson, William B. Shepard, Shields, Spangler, Standefer, Taliaferro, W. Thompson, Towns, White, Wise--56.

NAYS--Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Banks, Barton, Bean, Beardsley, Beaumont, Bockee, Bond, Boon, Bovee, Boyd, Briggs, Brown, Burns, Bynum, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapin, Clark, Cleveland, Coffee, Coles, Connor, Corwin Craig, Cramer, Crane, Cushman, Davis, Deberry, Denny, Dickerson, Doubleday, Dunlap, Efner, Fairfield, Farlin, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Granger, Grantland, Grennell, Haley, J. Hall, H. Hall, Hard, Harper Samuel S. Harrison, A. G. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Hiester, Howard, Howell, Hubley, Huntington, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Leonard, Lincoln, Logan, Love, Abijah Mann, Job Mann, Manning, William Mason, Moses Mason, Samson Mason, May, McKennan, McKeon, McLene, Miller, Milligan, Montgomery, Moore, Morris, Muhlenberg, Owens, Page, Parker, Patterson, Dutee J. Pearce, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Rogers, Russell, Schenck, Seymour, Augustine H. Shepperd, Shinn, Sickles, Slade, Sloane, Smith, Storer, Taylor, Thomas, John Thomson, Toucey, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Webster, Weeks, Whittlesey, Lewis Williams, Sherrod Williams--147.

So the decision of the Chair was reversed, and the memorial presented by Mr. BRIGGS, which was the subject of the point of order, was thereby referred to the select committee on the subject of slavery within the District of Columbia.

The memorial presented by Mr. ADAMS this day, also, took the same reference.

Mr. LAWLER sent to the Chair certain instructions, which he desired to go to the same committee, and proposed that they be read; which was objected to; and after some conversation between the CHAIR and Mr. LAWLER, as to the right to offer those instructions, the House,

On motion of Mr. McKIM, at half past 4 o'clock, adjourned.

WEDNESDAY, FEBRUARY 24.

CONTESTED ELECTION.

Mr. BOYD, from the Committee of Elections, made a report in the case of the contested election of the honorable JAMES GRAHAM, of North Carolina, which he moved be printed, together with the accompanying documents, and made the special order for Wednesday next.

[The majority of the committee reported adversely to the sitting member, and that Mr. David Newland was entitled to his seat.]

Mr. W. B. SHEPARD moved to postpone the further consideration of the subject until Wednesday three weeks.

Mr. BYNUM remarked that this contested election had been before Congress for nearly four months. If it be a fact that the present incumbent was not entitled to a seat on this floor, he had been there already a sufficient length of time, and it became them, as an act of justice to the people of that district, and of the State of North Carolina, to see that the contest should be settled as soon as possible, and that the legitimate Representative should take his seat. He hoped, therefore, that no time would be lost in deciding on the question, more than was absolutely necessary to ascertain who was entitled to the seat. He thought one week was time enough to come to a correct understanding, and make a just and correct decision on the subject. He hoped the motion to postpone for three weeks would not prevail.

Mr. CLAIBORNE, of Virginia, felt very little interest, for his own part, as to the time assigned for the investigation of this matter; but he desired that justice should be done to both parties. The gentleman [Mr. BYNUM] had observed that the State of North Carolina, in this particular, had been long enough misrepresented. Mr. C. would inform the gentleman that the committee were divided as to who was entitled to the seat on this occasion, and that a counter report to the one presented that morning, exhibiting the case in an entirely different way, would be made as soon as the former should be disposed of. Mr. C's anxiety on the present occasion was not to smother this case in any way whatever, but to give a fair and full opportunity to every gentleman, disposed to go into it, to do so. It then became necessary to print both reports, and the whole of the testimony; upon the construction of some portion of which, it was readily and freely admitted that different views must of necessity be taken by different persons. The time first mentioned was, perhaps, too short; for it ought certainly to be long enough to permit the printing of both reports and the whole of the testimony, and to give an opportunity to the members of the House to examine it for themselves, and to compare it with the view taken of it by the different members of the committee.

Mr. A. H. SHEPPERD said that the present subject was a matter of interest not only to the House, but to the district immediately concerned, and also the State of North Carolina; and he regretted very much to hear the remarks which fell from his colleague upon this subject. He hoped the House would not enter into any other than the question, which of the candidates was entitled to the seat. There was a motion before the House that the documents be printed, and some days must elapse before the printing could be executed. He thought he understood, from the gentleman from Virginia, [Mr. CLAIBORNE,] that another report was to be presented. Was it not, therefore, right that all this matter should be laid before the House? and that could not be done hastily. It had been intimated to him that one of the parties in the contested election wanted time to make out the question, and prepare the evidence of his being entitled to a seat. Would it not, therefore, be better to make the simple order for printing the documents, and let them have a few days to determine whether it might not be necessary to recommit the subject, to hear other testimony? Let the matter be amply, discreetly, and dispassionately considered, and decided by the facts of the case.

Mr. HARDIN thought that all the members of the House ought to be acquainted with the subject, so as to enable them to decide understandingly. He had cast his eye on the report, and he very much doubted whether it could be printed before next Tuesday or Wednesday; therefere, to take it up at that time would most certainly be too soon. The decision was to be made from an investigation into the laws of North Carolina, of which laws few knew any thing, but the members from that State; and time must be had to examine those laws after the documents were printed. Gentlemen well knew the trouble and embarrassment experienced in the case of the Moore and Letcher contested election. Although he was intimately acquainted with the laws in that case, he must say that he never met with any thing which gave him more embarrassment than to apply those laws. Whether the district was misrepresented or not, he

could not determine; but the the presumption was, that the gentleman who had obtained a certificate of election was entitled to the seat. Yet there was a probability that he might not be entitled to it. He was satisfied that Wednesday was too short a time, although three weeks might be too long. In relation to having a lawyer come before the House, to plead the cause of either of the gentlemen, he must protest against it. He could never consent to have a lawyer come there, who was not a member of Congress.

Mr. GRAHAM (the sitting member) presented a written communication to the House, in reference to the subject; which, by unanimous consent, was read, and ordered to be printed.

Mr. HARD moved to recommit the report to the same committee, with instructions to give time, for the purpose of taking further evidence, until the 1st day of April next.

The CHAIR remarked that the motion to postpone took precedence; but, when it was disposed of, the motion of the gentleman from New York could be entertained.

Mr. BELL said, as he understood the rules, the motion to recommit had precedence of the motion to postpone.

The CHAIR decided that the motion to postpone took precedence.

Mr. BELL then appealed from the decision of the Chair, but subsequently withdrew the appeal.

Mr. B. said it was of great importance that the rules of the House should be correctly understood. All men of experience must know that important questions were often carried by their having a priority over other questions. It was unfortunate that the question had not been brought up earlier in the session; but he did not mean to enter into the merits of the question now. He had, however, a word or two to say on the subject of its being made the order of the day for this day week. Here was a proposition to make the present question the order of the day for Wednesday next. They had already a standing order to proceed at the hour of one o'clock to the consideration of the appropriation bills; and on yesterday a gentleman from New York [Mr. BEARDSLEY] had said that the resolution had precisely the same effect as the standing rules of the House. That measure was adopted for great and wise considerations. The reasons urged in its favor were that the appropriation bills must be disposed of speedily.

The hour of one having arrived, Mr. BELL's remarks were arrested by the annunciation of the special orders of the day.

Mr. BOYD asked the unanimous consent of the House to submit a motion for the printing of the report of the Committee of Elections; which was agreed to; when

Mr. CLAIBORNE, of Virginia, from the minority of the committee, made a counter report; which was also ordered to be printed.

Mr. ABIJAH MANN moved to suspend the rules, for the purpose of calling the States for petitions; which was negatived: Yeas 113, nays 58—two thirds being necessary.

SUFFERERS BY FIRE IN NEW YORK.

Mr. CAMBRELENG moved that the special order be postponed, for the purpose of proceeding with the consideration of the bill for the relief of the sufferers by the fire in the city of New York; agreed to: Ayes 120, noes 41.

The bill was on its third reading, and the question pending was the motion of

Mr. CHAMBERS, of Kentucky, to strike out the second section of the bill; which is in the following words:

"SEC. 2. *And be it further enacted*, That the collector of the port of New York is hereby authorized and directed to extend the payment, in the manner prescribed in the first section of this act, of all other bonds given for duties at the port of New York, prior to the late fire, and not provided for in the first section, as aforesaid, for six, nine, and twelve months, from and after the day of payment specified in the bonds: Provided, however, That nothing contained in this act shall extend to bonds which had fallen due before the seventeenth day of December last."

Mr. CAMBRELENG explained that, under this section, about $2,700,000 would be included; that of this amount two millions have already fallen due, and that the prosecution of these bonds, at this time, would probably cost the Government between one and two hundred thousand dollars. That by extending the interest the Government would gain eighty thousand dollars in interest, which would otherwise be lost; for if the money could be collected at once, it would remain in the deposite banks without interest, in addition to the risk of losing a large portion of the principal by attempting to enforce immediate payment of the bonds.

Mr. WILLIAMS, of Kentucky, opposed the section at length, and maintained that the bill provided for the loan of the public money, to the merchants in New York and elsewhere, to the amount of two millions seven hundred thousand dollars. One argument of the gentleman he could not assent to the force of, viz: that the public money would remain in the deposite banks without interest. He was opposed to their having the use of any of the public money without paying for it. He again recurred to his argument, that the provisions of the second section were an effectual loan, and said it was very doubtful whether the Government had the constitutional power to loan out the public money in the way proposed. The bill was also objectionable to him in another point of view, by drawing a distinction between those who had lost to the amount of one thousand dollars, and those who had lost less, thereby bestowing its advantages upon those who possessed most and had been most fortunate, leaving the poor and needy altogether unprovided for. In reply to the gentleman from Ohio, [Mr. STORER,] he denied that the mercantile interest of the West would be benefited by this bill. There was no provision in the bill giving the western merchants any indulgence under it, nor had any pledge been given, or any understanding held out, that they would be indulged by the merchants of New York. He was at a loss to see wherein lay the claims of New York over any other section of country; and yet the bill was exclusively for the relief of that city.

Mr. HOWARD said that, although friendly to the bill, he had refrained from taking any part in the discussion, from an apprehension that the measure of relief might be endangered by consuming too much time in the debate; but he felt that he had a duty to perform towards those whom he had the honor of representing, by expressing very briefly what he believed to be their opinion upon the bill. He hoped, therefore, that the friends of the measure and the House would excuse him for trespassing upon a few moments of their time and patience. It had been said in the course of the debate, and not contradicted, that the meetings which were held in the commercial cities, to express public opinion, were the result of management originating in New York. As far as Baltimore was concerned, he undertook to say that the meeting was the spontaneous impulse of sympathy, and that it occurred before the ashes in New York had cooled; and every one knew that the firemen of of Philadelphia had hastened with such alacrity to the assistance of their friends, that they aided in the extinguishment of the fire itself. There was another point

which had been urged by the gentleman from Kentucky, [Mr. WILLIAMS,] who had just taken his seat, and which was not a new objection: that the prolongation of the credit upon the bonds would be equivalent to a loan of money from the Treasury, and therefore unconstitutional. But how did the case stand? We had $2,700,000 worth of bonds in the hands of the collector, but no money--and it would be difficult to maintain the identity between money and bonds which might never be paid. Mr. H. said he had heard of a man who, when pressed for payment of a debt, at length gave his bond for it, and then thanked Heaven that "that debt was paid." Those who considered the present bill as a loan of money seemed to argue much in the same way. But it was thought unreasonable to indulge those who had not actually lost property by the fire. Those who knew the intimate fiscal connexion between classes of merchants in a city must be aware that the ability of a large portion of them to meet their engagements could not be lessened without in some degree impairing the power of the rest. They were like bees when swarming, so close was their dependence upon each other. As to the preference given by this measure to one port over another, he thought the merchants might be safely left to their own protection, without the gratuitous care of others; and it appeared, from their general friendship for this measure of relief, as if it could fairly be considered nothing more than a restoration of New York to that equality which she might otherwise lose by the recent calamity. Mr. H. insisted that the analogy derived from the indulgence heretofore extended to the debtors for public lands had not been successfully refuted. When gentlemen said that this extension of credit was owing to the reduction of the price of public lands, they forgot dates; for that alteration did not take place until 1820; and, from 1809 downwards, the statute book was full of laws extending the time of payment to those who had purchased public lands on credit. The merchant purchases, either in cash or on time, the privilege of introducing goods for consumption; and, when he becomes a debtor to Government, ought to be treated with the same indulgence which had heretofore been extended to another and meritorious class of public debtors. Mr. H. said that he thought and hoped the bill would pass, and would not consume any more time in its discussion.

Mr. DUNLAP said that he did not doubt there were many gentlemen in the House who intended to vote for the bill with the second section in it, who had not given the subject a full examination, and who believed they were only voting relief to those persons indebted to the Government, who were injured by the fire in the city of New York. Mr. Speaker, (said he,) if the members of this House will but take the trouble to read the second section, they will find that it gives a credit to all persons who have given bonds for duties on merchandise imported into the city of New York prior to the 17th day of December last. The first section gives a credit of three, four, and five years, to all those who have sustained an injury by the fire, and the second section gives a credit of six, nine, and twelve months, to all others. Now, this would be establishing a principle of giving a credit to persons who had met with no loss, and in fact had been benefited by the fire. Their rival merchants had been burnt out, and all their goods destroyed; and they still had all their goods on hand, and the competition was greatly lessened. They no doubt had advanced the price of their goods, owing to the scarcity and the demand for them. In what had they been injured, or what reason had been given for this unprecedented section? Not that the Government was likely to lose any part of her debt. But it was said that Congress had heretofore extended relief to purchasers of public lands, and that western gentlemen had not shown the difference between the relief extended to the purchasers of public lands, and the relief granted, by the second section of that bill, to the merchants of New York. Mr. D. said that when it was looked into, it would be found that, prior to April, 1820, the United States had sold, on credit, a large quantity of her lands, at very high prices, and that there was due to the Government upwards of twenty millions of dollars under the credit system. Congress changed the system of selling her lands in April, 1820, from a credit to cash sales, and reduced the price to one dollar twenty-five cents per acre.

The desideratum with Congress, in 1821, was how to save the debt due from the purchasers of public lands; and in their wisdom they passed a law authorizing the purchasers to relinquish part of their lands, and apply what had been paid therefor to the payment of the part not relinquished. It was also provided in said act, that those who paid the debt due to the United States prior to the thirtieth day of September, 1822, should be allowed a deduction of thirty-seven and a half per cent. on the amount paid. Now, Mr. Speaker, I would ask the friends of this bill to examine one other provision of the bill of 1821, and say if they have the same provision in their bill. I allude particularly to the fifth section. That section provides that those who have laid off towns, part or whole of the lots whereof have been sold, are entitled to the benefits of the act, on condition of a remission of interest, and a discount of 20 per cent. to the purchasers of them, with a right to discharge their debts by bond, with security, in equal annual payments of four years. Here, Mr. Speaker, was a condition imposed on all those persons who were indebted to the United States for bonds, and who had been benefited by their purchase. No such condition is imposed on the persons who recieve the benefit of the second section of this bill. They are not required to give a credit to all persons indebted to them; they have evidently received a benefit from the fire, and sustained no injury.

For what purpose was the relief granted to the purchasers of public lands? To secure the debt. It was known to every person, that at the time of the sale of the public lands, whereby so large a debt had become due to the United States, was in consequence of the then very high prices of all articles of agriculture, (cotton was selling at from twenty-five to thirty dollars per hundred,) and the great abundance of paper money put into circulation after the close of the war, when no bank pretended to pay specie. The great facility with which every person could procure accommodations at the bank had advanced the price of every article of property, and particularly the lands in the southern section of the Union, where they sold at from fifty to one hundred dollars per acre, and greatly over their real value. When the banks broke, money became scarce. All produce raised by the farmer fell in value. Cotton was reduced from thirty to eight or ten dollars per hundred. The Government had received only one fourth of the purchase money for her lands, and she was in danger of having them forfeited, and there was no hopes of their ever selling for one fourth of what they had sold for. It was a matter of policy, therefore, in the Government, to grant the relief she did to the purchasers. She made money by granting the relief. How was it with persons intended to be relieved by this bill? The first section provided for those who suffered by the fire, and if payment was attempted to be coerced, the Government was in danger of losing its debts; and, as a matter of policy, the credit should be extended, on the debts being secured. I have no doubt but that the Government will save money by the relief granted in the first section. Not so as to the persons relieved by the second section. They have sustained no injury, and have not shown

that they are in any respect whatever unable to pay the United States the money they owe. The only argument I have heard in their favor is, that they reside in a city where property to the value of fifteen millions of dollars has been burnt. It does not follow, as a just conclusion, that they have thereby been injured, and are unable to pay at present, and that the United States would endanger her debt to attempt to collect it. I believe, sir, the argument is much stronger, from the nature of the property burnt, and that owned by the importing merchant, that the persons intended to be benefited by the second section have been benefited by the fire. I shall therefore vote to strike out the second section.

Mr. CHAMBERS, of Kentucky, moved a call of the House; which was ordered.

After the call had been proceeded with for some time, on motion of

Mr. ROBERTSON, it was dispensed with.

The question was then taken on the motion to strike out the second section, and it was decided in the negative, as follows: Yeas 89, nays 116.

YEAS—Messrs. Chilton Allan, Beaumont, Bell, Bond, Boon, Borden, Bouldin, Boyd, Bunch, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Chapman, Nathaniel H. Claiborne, Clark, Connor, Craig, Cushman, Davis, Deberry, Denny, Dickson, Dunlap, Efner, Forester, French, Fry, James Garland, Graham, Graves, Grayson, Griffin, Hamer, Hammond, Hannegan, Hardin, Harlan, Samuel S. Harrison, Hawkins, Huntsman, Jenifer, Joseph Johnson, Cave Johnson, John W. Jones, Kinnard, Klingensmith, Lawler, Luke Lea, Logan, Lucas, Job Mann, Martin, Samson Mason, Maury, May, McComas, McKay, McLene, Morgan, Morris, Patterson, Franklin Pierce, Dutee J. Pearce, James. A. Pearce, Peyton, Pickens, Rencher, John Reynolds, Roane, Robertson, William B. Shepard, Augustine H. Shepperd, Shields, Sprague, Standefer, Taliaferro, Thomas, Waddy Thompson, Underwood, Webster, Weeks, White, Whittlesey, Lewis Williams, Sherrod Williams, Wise—89.

NAYS—Messrs. Adams, Heman Allen, Bailey, Barton, Bockee, Bovee, Briggs, Brown, Buchanan, Bynum, William B. Calhoun, Cambreleng, Chaney, Chapin, Childs, Cleveland, Coffee, Corwin, Cramer, Crane, Cushing, Dickerson, Doubleday, Evans, Everett, Fairfield, Farlin, Philo C. Fuller, William K. Fuller, Galbraith, Rice Garland, Gillet, Glascock, Granger, Grantland, Grennell, Haley, Joseph Hall, Hiland Hall, Hard, Albert G. Harrison, Hazeltine, Henderson, Hiester, Hoar, Holsey, Howard, Howell, Hubley, Hunt, Huntington, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Richard M. Johnson, Henry Johnson, Judson, Kennon, Kilgore, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Love, Loyall, Lyon, Abijah Mann, Manning, John Y. Mason, William Mason, Moses Mason, McKennan, McKeon, McKim, Miller, Milligan, Montgomery, Moore, Muhlenberg, Owens, Page, Parker, Parks, Pettigrew, Phelps, Phillips, Pinckney, Potts, Reed, Joseph Reynolds, Russell, Schenck, Seymour, Shinn, Sloane, Smith, Spangler, Storer, Sutherland, Taylor, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Vinton, Ward, Wardwell—116.

Mr. WILLIAMS then offered the following proviso: "Provided, That the indulgence authorized under the provision of this bill shall in no case be given without other and sufficient security be given, when, in the opinion of the collector, it shall be necessary to secure the sum due by the person or persons who ask indulgence."

Mr. CAMBRELENG suggested that the bill already provided for the object proposed by the gentleman from Kentucky.

Mr. WILLIAMS remarked that the language of the bill did not seem to embrace his provision.

The amendment was negatived without a count.

Mr. BRIGGS then moved the following proviso to the second section: "Provided, also, That if, in the opinion of the collector aforesaid, any of the bonds which may be given under this act, payment of which may be postponed, shall at any time be insecure, it shall be the duty of the said collector to require such additional security as shall be satisfactory to him; and on failure of such additional security being furnished, the payment thereof shall be enforced forthwith;" which was agreed to.

The question then recurring on engrossing the amendments agreed to, and ordering the bill to be read the third time,

Mr. JOHNSON, of Virginia, asked for the yeas and nays, which were ordered; and the question being then taken, resulted as follows: Yeas 125, nays 84:

YEAS—Messrs. John Q. Adams, Heman Allen, Bailey, Banks, Barton, Beardsley, Bockee, Bovee, Briggs, Brown, Buchanan, Bynum, William B. Calhoun, Cambreleng, Chaney, Chapin, Childs, Clark, Cleveland, Coffee, Corwin, Cramer, Crane, Cushing, Dickerson, Doubleday, Efner, Evans, Fairfield, Farlin, Philo. C. Fuller, William K. Fuller, Galbraith, Rice Garland, Gillet, Glascock, Granger, Grantland, Grennell, Haley, Joseph Hall, Hard, Harper, Haynes, Hazeltine, Henderson, Hiester, Hoar, Holsey, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Richard M. Johnson, Cave Johnson, Henry Johnson, Judson, Kilgore, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Love, Loyall, Lyon, Abijah Mann, Manning, William Mason, Moses Mason, Samson Mason, Maury, McKennan, McKeon, McKim, Miller, Milligan, Moore, Muhlenberg, Owens, Page, Parker, Parks, Patterson, James A. Pearce, Pettigrew, Phelps, Phillips, Pinckney, Potts, Reed, Joseph Reynolds, Rogers, Russell, Schenck, Seymour, Shinn, Sickles, Sloane, Smith, Spangler, Storer, Sutherland, Taylor, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Vinton, Ward, Wardwell, Washington—125.

NAYS—Messrs. Chilton Allan, Bean, Beaumont, Bell, Bond, Boon, Borden, Boyd, Bunch, John Calhoon, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Chapman, Nathaniel H. Claiborne, Coles, Connor, Craig, Cushman, Davis, Deberry, Denny, Dickson, Dromgoole, Dunlap, Everett, French, Fry, James Garland, Graham, Graves, Grayson, Griffin, Hiland Hall, Hamer, Hammond, Hannegan, Hardin, Harlan, Albert G. Harrison, Hawkins, Jenifer, Joseph Johnson, John W. Jones, Kinnard, Klingensmith, Lawler, Luke Lea, Logan, Lucas, Job Mann, Martin, John Y. Mason, May, McComas, McLene, Montgomery, Morgan, Morris, Franklin Pierce, Dutee J. Pearce, Peyton, Rencher, John Reynolds, Roane, Robertson, Augustine H. Shepperd, Shields, Sprague, Standefer, Taliaferro, Thomas, Waddy Thompson, Underwood, Webster, Weeks, White, Whittlesey, Lewis Williams, Sherrod Williams, Wise—84.

So the bill was ordered to a third reading.

Mr. CAMBRELENG moved that the House resolve itself into a Committee of the Whole on the state of the Union, for the purpose of taking up and considering certain bills relating to the Bank of the United States.

Mr. C. explained that the Committee of Ways and Means had unanimously instructed him to make the motion, and it was indispensable that the bills in question should be acted upon before the 3d of March.

The motion was negatived, and the House then adjourned.

THURSDAY, FEBRUARY 25.

CONTESTED ELECTION.

The House resumed the unfinished business of the morning hour of yesterday, being the subject of the contested election from North Carolina.

Mr. BOYD having moved to make the report of the Committee of Elections the special order for Wednesday next, and Mr. W. B. SHEPARD having proposed to extend the time to three weeks,

Mr. HARD moved to recommit the report to the same committee, with instructions to give time for the purpose of taking further evidence, until the first day of April next.

The SPEAKER decided that the motion to postpone the report had precedence of the one to recommit.

Mr. BELL resumed the remarks which he commenced yesterday. When he rose yesterday, he did not rise to argue the propriety of negativing the motion of the gentleman from Kentucky, [Mr. BOYD;] he left that part of the question to other gentlemen. His main object was to make a question for the decision of the House, which he considered of the greatest importance. He alluded to the resolution making the appropriation bills the special order of the day. When the gentleman from New York [Mr. CAMBRELENG] moved to make the New York fire bill the order of the day for a certain day, he must say that, although he was favorable to the speedy passage of that bill, still, had he been in his place at that time, he must have objected to its being made the special order. He would have felt it his duty to object to it, as he now felt it his duty to object to making this contested election the order of the day for Wednesday next, because he believed it to be a violation of the rules and orders of the House. On the 27th of January last, the House came to the resolution that each succeeding day, except Friday and Saturday, should be set apart for the consideration of the appropriation bills. That resolution was adopted by a vote of two thirds, and he yielded respectfully, though reluctantly, to the decision of the House. When the subject of another resolution was under consideration, the right construction was put upon that resolution; which was, that it was precisely the same as the rules of the House. Although that was the right construction, he begged leave to show that that was not the construction put upon them by the House; they considered them in the light of standing orders of the House, the execution of which any one member was entitled to call for. By that construction the orders might be changed as often as gentlemen thought proper. He thought he could demonstrate this. After one hour should have elapsed, a motion might be made that the House proceed to the orders of the day; and the question shall be put, "Will the House proceed to the orders of the day?" What, then, were the orders of the day? It was to take up the business on the Speaker's table, and dispose of it; bills from the Senate were to be read; engrossed bills read; executive communications presented; and then you arrive at the special order. If any business was made the special order, it was of course the understanding that it was to be after the morning hour. It was the order of the day from that hour. When that hour arrived, it was the practice of the Chair, heretofore, to put the question, "Will the House proceed to the orders of the day?" This was in compliance with the forty-third rule of the House. But, with regard to the resolution of the 27th of January, the Speaker had felt it his duty not to inquire of the House whether it would go to the special order, but had said that the hour had arrived for proceeding to the special order of the day. This makes it a special order, which the Speaker feels bound to obey. If that was conceded, any member might rise in his place, and call for the execution of that order, and the Chair would be out of order not to execute it. It was the standing order, by the construction placed upon it by the Chair itself. He had submitted to the decision of the Chair; but, as he had said before, reluctantly. We know that a resolution pending, of great interest to the country, was cut off by the operation of it; and on a late occasion the Chair was under the necessity of asking the consent of the House to proceed to put some bills lying on the Speaker's table to a third reading: that had to be done, from the necessity of the case. The House found that it had passed a resolution which would cut off its ordinary business. Well, on the first day that this was done, there happened to come up a bill in relation to executive patronage, which excited considerable discussion, and consumed the whole of the day. On the next morning, the Chair did not ask the consent of the House, but announced the orders of the day. A gentleman from Ohio asked the unanimous consent of the House to have those bills read and disposed of which would not excite debate; which was agreed to. Mr. B. said he had gone into the explanation to show that, by the construction given the resolution by the Chair and the House, the orders could not be set aside but by unanimous consent; however, he did not mean to interpose his veto. Whatever might have been the motives of gentlemen for adopting the resolution, he would not pretend to say; but he called upon them to look at their journal, and see the inconsistencies and contradictory orders with which it was filled. Did any gentleman know, when he arrived at the House in the morning, what business would be taken up? the gentleman from New York, [Mr. CAMBRELENG,] on yesterday, instead of calling on the House to proceed to the consideration of the appropriation bills, intimated that he desired the House to take up another subject. Again, a motion was pending to make the North Carolina contested election the special order for Wednesday next. That motion came from one of the majority in the House, with whom would rest the responsibility of the measure.

Mr. CAMBRELENG rose to make a brief explanation. After the New York fire bill had been ordered to a third reading, he had asked the House to go into Committee of the Whole on bills which he did not think would have occupied more than five minutes' time. He would say, however, for the future, that he would relinquish all other measures, for the purpose of getting through with the appropriation bills.

Mr. BELL was glad to hear the annunciation. Then we should not make the question of the contested election the order of the day for Wednesday next. But he wished to make a further appeal to the House. It had been seen that the order of the 27th January was unnecessary. Gentlemen had seen that of the twenty days which had expired since that order took effect, not one half of the time had been appropriated to the consideration of the appropriation bills. He hoped the House would do the justice to rescind that order, and then if they chose to make the question of the North Carolina contested election the special order of the day for a day certain, he would agree to it. He called upon the honorable gentleman from Virginia, [Mr. J. Y. MASON,] who had introduced that resolution, and had enforced its passage by an appeal to the message of the President, to unite with him in his efforts to unshackle the freedom of debate; he called upon him, in the spirit of liberality, to give him his aid. The House had shown by its votes since, that there was no necessity for that measure. He hoped gentlemen would not think that he had any party interest in view in this matter. He appealed to the liberality, to the patriotism, and to the candor of gentlemen, since it had been demon-

strated that the measure was no longer necessary, and when the pressing occasion which had brought it forward had passed, to rescind the resolution. Did gentlemen fear that the appropriation bills would not be taken up? He conceived there would be no opposition to taking them up. There never had been any opposition to taking up those bills, whenever the motion to take them up came from the proper quarter; he meant the chairman of the Committee of Ways and Means. He remembered no case of objection being made, except on one occasion, and that Mr. B. had made himself, for the purpose of amending the rules and orders of the House, which he conceived to be of the utmost importance in any deliberative body. If any other opposition had been made to taking up those bills, he had no recollection of it; and he undertook further to say, that no opposition would be made. He had always yielded to the regularly constituted organs of the Government; and he believed, if the gentleman from New York [Mr. CAMBRELENG] should move to take up the appropriation bills, he would venture to predict that he would meet with no opposition. Then, would gentlemen not repeal the resolution he had spoken of? If it was not repealed, the effect would be that any one member might call for the execution of it.

As to the North Carolina contested election question, he left it to others to say whether it should be made the order of the day for Wednesday or not.

Mr. WILLIAMS, of North Carolina, said that it might be necessary to recommit the subject to a committee, and he believed the general course to be, to lay the subject on the table, until the report and documents could be printed. He thought there would be no opposition to laying the subject on the table. It could then be taken up at any time, and acted upon, during the morning hour. He moved to lay the subject on the table; but subsequently withdrew it.

Mr. JOHN Y. MASON said that the remarks which he felt himself called upon to make had no necessary connexion with the subject before the House. The gentleman from Tennessee [Mr. BELL] had made allusion not only to the resolution which he had the honor to submit to the House, but had alluded to Mr. M. personally, which made it necessary for him to reply. He did not think at the time that he introduced the resolution, nor did he think now, that the resolution had the effect the gentleman described. He could not conceive how the resolution tended to disturb or cut off debate. It would be remembered by the House, that when that resolution was brought before it, our foreign relations were on a very different footing from what they were at present. He agreed with the gentleman from Tennessee, [Mr. BELL,] that the reasons urged in its favor had, in a great measure, disappeared. We had at that time no indications of the mediation of Great Britain, nor of the happy effect produced by the President's message on the councils of France. The committee were of opinion, at that time, that immediate action was necessary on the appropriation bills. The gentleman from Tennessee was right in supposing that the time had passed by when any extraordinary appropriations would be necessary; but Mr. M. must be permitted to say that the ordinary appropriation bills did require a speedy action. Some of the appropriations were already needed, and the public service must suffer until the appropriation bills were passed. There were ships of war now which could not be manned until some of those bills pass. It was a matter of vast importance that those bills should be speedily passed; and he thought the resolution adopted by the Committee on Foreign Affairs was well calculated to effect the object. It was true, that we had made but little progress; but, without meaning to cast reproach any where, he appealed to the gentleman from Tennessee to say whether the protracted discussion on the navy bill had not sprung from the motion made by the gentleman himself. It was time that the appropriation bills were disposed of. Let the appropriation bills be disposed of speedily, but with all the examination gentlemen may wish to give them, and with all the freedom of discussion asked for, and then he would be willing to rescind that resolution, unless an unlooked-for state of things should occur.

Mr. BELL said he saw already what was to be looked for. The public service was suffering, and that was to be the argument until the appropriation bills were passed. He called upon the gentleman from Virginia [Mr. MASON] to say whether the House had not, instead of going into the consideration of those bills, gone to other business, which had taken days to discuss.

Mr. J. Y. MASON said he was not responsible for the acts of other gentlemen. On one occasion he had made the motion to suspend the rule, for the purpose of receiving petitions; and as the operations of the Treasury Department had experienced considerable embarrassment, in consequence of the fire in New York, he had concurred with the gentleman from New York [Mr. CAMBRELENG] in his efforts to get that bill through the House. He had, however, always been anxious, and was still anxious, to have the appropriation bills disposed of.

Mr. MANN, of New York, said, for the purpose of disposing of this question, and at the suggestion of several gentlemen near him, that it might be approached at some convenient time, if in order, he should move that it be postponed till Tuesday week, with a view of giving longer time than had been proposed on the one side, and shorter than had been asked for on the other. He would prefer that to laying it on the table, for the question was an important one to the State interested, and ought to be settled speedily. It usually happened, that cases of this kind were postponed to a remote period, or till nearly the termination of the session, before they were definitively acted on; but he hoped that course would not be followed in future. He knew nothing of the present case; and had heard scarcely one word on the subject. He understood, however, that the report and documents were not very voluminous.

It was a matter of deep regret, said Mr. M., to many gentlemen there, that the knowledge of the rules and proceedings of the House, possessed by the honorable gentleman from Tennessee [Mr. BELL] should be the cause of giving him so much affliction; an affliction which seemed to press upon him daily, hourly, and continually, and which broke out sometimes to the affliction of the gentleman's own friends. Why, Mr. M. had been an observer of the proceedings there, under different administrations of the Chair, since he had had the honor of a seat there, and he had always observed that the first and regular business in order on that floor was to ask the unanimous consent of the House to make a motion to suspend the rules. That, he thought, was always business in order. As to the remedy to be applied, with regard to the various subjects that came before them, he had heard none suggested by the gentleman from Tennessee, notwithstanding his great erudition in the rules and orders, and course of proceedings of that House.

That gentleman had seen fit to complain, in no very measured terms, of the decision of the present Chair in reference to the execution of the special order of the House; a decision, the gentleman informed them, not in accordance with the practice of the House, when the gentleman himself had a seat in the Chair. Now, so far as the correct proceeding might be concerned, Mr. M. would not profess to be qualified to decide between the various gentlemen who had occupied that chair, and who had found it necessary to give a construction to the various orders of the House in regard to their own proceeding. He only knew this: that, so far as his own observation extend-

ed, during the present session, comparing it with the two preceding sessions, he had not found greater or more confusion in the order of business now than heretofore. He was not, therefore, to attribute what confusion had arisen to the decisions of the Chair. Those decisions had been usually in accordance with the express orders of the House.

The gentleman from Tennessee said that, when the House had made an express special order, it became the duty of the Chair first to take up certain business on the Speaker's table, before that special order was executed. If so, then there would be very little use in making a special order at all.

Mr. CRAIG rose to a point of order, on the ground that the gentleman's remarks were not pertinent to the question before the House.

The CHAIR was of opinion that the debate was taking too wide a range. It was understood, however, to be the object of the gentleman from Tennessee, and other gentlemen, to show that the House should or should not make this special order, because there were other special orders; and any reason why the House should or should not adopt any special order would be in order.

Mr. MANN expressed his obligations to his friend from Virginia [Mr. CRAIG] for admonishing him that they were debating a very different question, and he would endeavor to conform himself somewhat to it. He was only replying to the remarks of the gentleman from Tennessee, who, while he was complaining of want of order in the proceedings of the House, was, as Mr. M. considered, at the time, as widely out of order as any thing that could be found upon the records and journals of either that or the former session of the House. That being so, with the admonition of his friend from Virginia, he would resume his seat.

Mr. WILLIAMS, of North Carolina, moved to lay the whole subject on the table.

Mr. BOYD asked for the yeas and nays; which were ordered.

Mr. ADAMS hoped the gentleman from North Carolina would withdraw the motion, as the sitting member had asked for more time to take further testimony; and it was therefore necessary to appoint some definite time for the consideration of the report.

Mr. MERCER hoped the call for the yeas and nays would be withdrawn, as about half the time of the session was consumed in taking them.

Mr. WILLIAMS then withdrew his motion to lay on the table.

Mr. BELL denied that he had spoken disrespectfully of the Chair; and, as the gentleman from New York [Mr. MANN] had thrown no new light upon the subject, Mr. B. must say that what had fallen from the gentleman was impertinent.

Mr. MANN said he might have misunderstood the gentleman. He did not understand him to speak disrespectfully of the Chair, or in a spirit of complaint towards the Chair, but only in a spirit of complaint of the decisions of the Chair, in regard to the order of business. If it was "impertinent" to speak of the gentleman's complaint, then, surely, the gentleman himself must have been "impertinent" in making the complaint of those decisions.

The CHAIR pronounced the motion of the gentleman from New York, to postpone until Tuesday week, not to be then in order.

Mr. BOYD said he was willing to accept it as a modification of his own motion.

The CHAIR informed the gentleman that he could not do it without an order or instruction from the Committee of Elections, the original motion being so made to the House.

Mr. W. B. SHEPARD then withdrew his motion to postpone till Wednesday three weeks.

The CHAIR announced the orders of the day, the hour of one o'clock having arrived.

Mr. McKAY moved to suspend the rules, in order to proceed with the consideration of the report before the House, and modified it for one hour, at the suggestion of Mr. CAMBRELENG; but the motion, was lost, without a count, and the House proceeded to the order of the day.

By the consent of the House, several bills from the Senate, on the Speaker's table, were taken up, read twice, and referred to the appropriate committees.

LIMITATION OF THE TERM OF OFFICE.

Mr. PATTON moved that the House proceed to dispose of the bill on the Speaker's table, from the Senate, repealing the first and second sections of the act to limit the term of office of certain officers therein named, and for other purposes.

Mr. P. asked for the yeas and nays, which were ordered; and the question on taking up the bill was decided in the affirmative: Yeas 104, nays 104—the Speaker voting in the affirmative, making the yeas 105.

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Banks Barton, Bell, Bond, Borden, Bouldin, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Deberry, Denny, Dickerson, Dickson, Dunlap, Evans, Everett, Forester, French, Philo C. Fuller, Rice Garland, Graham, Granger, Crennell, Griffin, Hiland Hall, Hammond, Hard, Hardin, Harlan, Harper, Albert G. Harrison, Hazeltine, Hiester, Hoar, Howard, Howell, Huntsman, Ingersoll, Janes, Jenifer, Richard M. Johnson, Cave Johnson, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lincoln, Love, Lyon, John Y. Mason, Samson Mason, Maury, McCarty, McComas, McKay, McKennan, McKim, Mercer, Milligan, Morris, Parker, Patton, James A. Pearce, Pettigrew, Peyton, Phelps, Phillips, Pickens, Reed, Rencher, Robertson, Russell, Augustine H. Shepperd, Shields, Sloane, Spangler, Standefer, Storer, Taliferro, Waddy Thompson, Underwood, Vinton, Washington, White, Whittlesey, Lewis Williams, Sherrod Williams, Wise—104.

NAYS—Messrs. Ash, Bean, Beardsley, Beaumont, Bockee, Bovee, Boyd, Brown, Buchanan, Burns, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Coles, Connor, Craig, Cramer, Cushman, Davis, Doubleday, Efner, Fairfield, Farlin, Fry, W. K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Hawkins, Haynes, Holsey, Hubley, Ingham, William Jackson, Jabez Jackson, Jarvis, Joseph Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, May, McKeon, McLene, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, John, Reynolds, Joseph Reynolds, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Sprague, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks—104.

Mr. PATTON remarked that, in moving to adjourn when the subject was last before the House, his object was not so much to address the House as to arrest what he considered an irrelevant discussion upon a simple question of commitment—a question not involving the merits of the bill, nor the consistency or inconsistency of parties or men heretofore. In order, however, that his

motives and views might not be misunderstood, he would remark that he entertained strong prepossessions against this bill.

The CHAIR reminded the gentleman that the merits of the bill could not be discussed upon the pending motions; and that the range which the debate had taken on a former day would not be further permitted.

Mr. PATTON resumed. He did not intend to discuss the merits of the bill at this time. He had merely desired to say that he had strong prepossessions of opinion against the bill, which might possibly be changed by further reflection and discussion of the question involved in it. He had a few words to say in reference to what committee the subject ought to be referred. In doing this, it was necessary that he should advert to the character of the bill. It was a measure of vast magnitude, involving serious and important fundamental principles. It involved not only the question of constitutionality, but the expediency of the power of removal from office by the President of the United States—questions which had excited and agitated the country as much as any others which had ever been brought before it. It was a bill which ought to receive the most solemn, deliberate, and thorough examination possible. Could it be so well examined by a committee which had already before it a vast burden of important business as by a select committee raised for the special purpose? There could be but one response to the inquiry. Supposing every thing else out of the way, was there any thing appropriate or apposite in referring this subject to the Committee on the Judiciary? It was absolutely amazing to hear gentlemen contend, as had been done there, that this subject came within the functions of the Judiciary Committee, by the express terms of the rule. If the ground assumed should be sustained, that committee would draw within the vortex of its duties nine tenths of the business which came before the House. Without desiring to detract in the least from the eulogiums which had been made upon the Committee on the Judiciary, for their intelligence and legal attainments, he denied that there was any thing in the character of the committee, or the materials of which it was composed, which befitted them more than others to examine this question of constitutional law, or any other question. The subject was one which, from its broad character, did not peculiarly belong to any committee of the House. There was a special reason for not sending it to the Judiciary Committee, which, he repeated, was burdened with a mass of business greater than any other committee of the House, and could not, consequently, act on the subject as speedily as a select committee. It was desirable that the question should be disposed of one way or the other, in order that the country might decide upon the course of the Senate and this branch of Congress. He should therefore vote to commit the bill to a select committee, not only as an appropriate reference, but with the view of ensuring a speedy examination of the important subjects with which it was connected.

Mr. DROMGOOLE moved to commit the bill to a Committee of the Whole on the state of the Union. There could be nothing gained by referring the bill to a select committee. A report from such a committee, one way or another, was a matter of no consequence. By the adoption of his motion, an opportunity would be afforded to discuss the subject in the most free and ample manner. It ought to be so discussed. It was in this mode that gentlemen of all parties, and of no party, (if any such there were,) would have every facility for a full discussion.

The question was then taken on the last motion, and decided in the affirmative, without a count.

So the bill was committed to a Committee of the Whole on the state of the Union.

SUFFERERS BY FIRE IN THE CITY OF NEW YORK.

On motion of Mr. CAMBRELENG, the House then took up, for a third reading, the engrossed bill from the Senate, as amended by the House, "for the relief of the sufferers by the fire in the city of New York."

Mr. PEARCE, of Rhode Island, addressed the House at great lengh in opposition to the whole bill, and reviewed the various arguments and precedents that had been urged and adduced in its support. Before Mr. P. had concluded, he gave way to Mr. BOULDIN, on whose motion the House adjourned.

Friday, February 26.

CONTESTED ELECTION.

The House resumed the consideration of the report of the Committee of Elections on the contested election from North Carolina.

The SPEAKER stated the question to be, first, on making the report the special order for Wednesday next, the motion of Mr. W. B. Shepard being understood by the Chair to have been withdrawn.

Mr. SHEPARD reminded the Chair that he had not withdrawn his motion, although he had intimated an intention of so doing.

The CHAIR said that the journal so stated; and it was also his own impression that the gentleman had withdrawn his motion. The journal could, however, be corrected.

Mr. W. B. SHEPARD said, when he made the motion to postpone the subject for three weeks, he did so because the Chair was about to put the question on the motion of the gentleman from Kentucky [Mr. Boyd] to make it the order of the day for Wednesday next. He felt sensible that it was impossible, in that short space of time, for gentlemen to give the documents that careful examination which they required, to come to a correct decision. Every gentleman must be familiar with the difficulty of examining into such a matter. He had, however, since learned from his colleague, the sitting member, that his motion had, in some degree, interfered with the disposition which was intented to be made of the matter. It appeared that a gentleman from the Committee of Elections had made a proposition, which he understood to come from the minority of that committee, that the subject should be recommitted to that committee, for the purpose of taking further testimony in the case. He therefore intended to withdraw his proposition to postpone for three weeks; but he did so with the distinct understanding that the sitting member should be permitted to procure all the testimony necessary, and have his claims to his seat clearly stated, before the House came to act upon it. He hoped the House would send the matter back to the committee, and give the sitting member time to make out his case as fully as possible; and there was nothing inconsistent in giving the subject that direction. He confessed he was mortified to hear his colleague [Mr. Bynum] say, that the sitting member had misrepresented his district on that floor. Did he mean that the sitting member was wasting the time of the House in unprofitable discussion, which served only to fill the columns of a filthy newspaper? If he meant to say that when a gentleman came to the House of Representatives by the vote of a majority of the people of his district, and attested by the proper officers, that that man misrepresented his constituents, he thanked God that he misrepresented his in the same way. How did the sitting member come there? He came with the certificate of election from the proper officers. Then, if you refuse to give him an opportunity

to show that he is entitled to his seat, you stamp the charge of falsehood upon the returning officers. Mr. S. said he had made these remarks with no understanding with the sitting member, or with the members on the Committee of Elections. He did not know the nature of their report; and he had not the facility of intellect of his colleague, [Mr. BYNUM,] to enable him to jump to conclusions without examination. He was willing the characters of gentlemen there should stand unimpeached until they were proved to be otherwise. He did not know the nature either of the majority or minority report, and he would not express an opinion in the case until he could examine it. He neither knew nor cared who they said was entitled to the seat; all he asked was that the House would not prejudge it before the necessary testimony could be procured. If the House took up this matter at an early day, it would deny the right of being heard to a large and respectable district of North Carolina; and on this subject they ought to hear every thing. His colleague [Mr. BYNUM] had told them that the present subject had been before the House for four months. The House had not yet been in session four months, and during the time it had been in session the subject was before the Committee of Elections; and how could any one there have ascertained any thing of the matter, except by going before the committee? And that would not have been the parliamentary course. It was utterly impossible to get the facts of the case except by having time to examine it.

Mr. BYNUM said he sincerely regretted the course he perceived the discussion was likely to take. His honorable friend and colleague, [Mr. W. B. SHEPARD,] a day or two since, expressed surprise and regret at the course taken in relation to this matter; he must confess that that gentleman entertained no more surprise and regret at the course he (Mr. B.) was about to pursue, than he felt at the course and proposition which that gentleman himself had made. He then thought, and he still thought, that, upon that occasion, gentlemen had manifested extraordinary and unnecessary sensibility. A gentleman who spoke the other day, and his colleague, who had just addressed the House, had expressed their astonishment at a statement which he had made, wishing a speedy terminatjon of that question. He thought they had done him a little injustice in supposing that he was actuated from any motive less honorable and patriotic than themselves. They had also done him injustice, no doubt unintentionally, in misrepresenting his motives in respect to his colleague, the sitting member. He never intended to be understood as saying that that gentleman had misrepresented his district. What he had said was this: that if that gentleman was not the legitimate Representative on that floor, the people of that district had been long enough misrepresented. He had not expressed an opinion, but he again repeated, that if that gentleman was not entitled to a seat on that floor, he had been long enough there. He agreed most fully with his colleague, when he said they should not act until they had all the lights in the case which could be had; and until the documents were published and laid before the House. He should be the last man to urge the matter, until the documents were printed and laid upon the table of every member of the House. He again repeated that he was astonished at the remarks of his friend on the right, [Mr. A. H. SHEPPERD,] and his colleague on the left [Mr. W. B. SHEPARD,] when they endeavored to impeach him of having brought a charge against the sitting member. The simple statement was, that if he was not the legitimate Representative, there had been a sufficiency of misrepresentation. He himself was not decided upon the subject; he wanted to have more light, as well as the gentleman himself; but from what he had understood, if he might be permitted to express an opinion, he was predisposed to believe that the sitting member was not entitled to his seat.

The CHAIR remarked that the gentleman was not in order, in entering into the merits of the question before the main question came up.

Mr. BYNUM said he should endeavor to confine himself to the question before the House. He did believe that the motion of his colleague [Mr. W. B. SHEPARD] went to postpone the question longer than was absolutely necessary to have the House placed in possession of all the information necessary. For that reason he had opposed that motion, and still opposed it. He had been informed by those who had conversed with the printers to the House on the subject, that the documents would be printed and laid on the tables within eight or ten days; and they had also been told that, when the documents were laid on the tables, the whole subject could be investigated in a few hours. Then, where could be the necessity for postponing the subject three weeks? The gentleman who had just taken his seat had made some remarks which he did not distinctly understand. He supposed a case, and supposed that if he (Mr. B.) meant to say that the individual who occupied a seat on that floor did so for the purpose of filling the filthy columns of a newspaper, that he had made an erroneous charge. He did not understand the gentleman's allusion, and should like to be corrrectly informed.

Mr. W. B. SHEPARD said, the remarks he had made were general. He had said that he did not exactly understand what his colleague [Mr. BYNUM] meant when he said the sitting member misrepresented his constituents on that floor. He further said, that if his colleague meant that any individual used his station there to get up useless discussions and unnecessary squabbles, to fill the columns of a newspaper, such an allusion would make any gentleman feel uneasy in his seat.

Mr. BYNUM said he would, on all proper occasions, express his opinions: but as to consumption of the time of the House, he believed himself and his colleague were on about an equal footing. He did not say, however, that he had consumed too much time; for Mr. B. had always heard him with the greatest pleasure. His colleague seemed to regret that he was not possessed of the facility of intellect to judge of the present question without time. He believed that, after the documents were printed and laid on the tables, every gentleman would be posseased of sufficient facility of intellect to judge of the case, without a postponement of three or four weeks. He believed that most of the information which would be brought in them was known now to the majority of the members of the House. Mr. B. would be the last man in the House to do an act of injustice to the sitting member; but while he would not do that gentleman injustice, he would be unworthy of maintaining a seat on that floor, was he to be guilty of committing an act of injustice to the gentleman who was petitioning for his seat. He was disposed to do both justice. His colleague had said that Mr. B. had stated that the subject had been before the House for four months. Mr. B. had remarked that if the motion was made and carried to postpone for three weeks, then it would have been before the House between three and four months. He hoped the House would not follow the example set them last winter, but that they would decide upon the subject speedily. In the case of the Moore and Letcher contested election, the documents were much more voluminous; and yet only one week was allowed for considering it after the documents were printed. With regard to his friend from North Carolina, [Mr. WILLIAMS,] he had always had the profoundest respect for his opinions, and he approved his course, apart from his political views; but it did appear to him, that to lay that subject on the table was rather undignified.

He had looked over the journal, and had never seen any disposition made of the report of a committee, but by making it the order for a particular day. He believed that the motion of the gentleman from New York, [Mr. Mann,] to postpone it until Tuesday week, would allow ample time to examine the subject, and he hoped that motion would prevail.

Mr. SHEPARD then withdrew his proposition.

Mr. MANN, of New York, then renewed his motion to postpone the subject till Tuesday week.

Mr. GRAHAM (the sitting member) begged to inquire if the pending question was not the motion of the gentleman from New York, a member of the Committee of Elections, [Mr. Hard,] to recommit.

The CHAIR stated that, under the thirty-second rule, that motion gave way to the motion to postpone. The Chair had made the same decision a few days ago, and in that opinion, independent of the rule, upon examination, he found himself sustained by the *lex parliamentaria*.

Mr. GRAHAM was desirous, he said, that the motion submitted by the gentleman from New York [Mr. Hard] should be decided by the House, before the question was taken on the postponement to a given day. It was true, as his colleague who had just taken his seat had remarked, that this was an important case; but it was more important that whenever a cause was about to be tried, it should be tried impartially, in such a way as to do justice between the parties, and to give satisfaction to the district interested in the issue. That was all he asked, and nothing more; and to which he humbly conceived he was entitled. He would not ask the House to try the cause without hearing the evidence; for he held the House to be in the situation of judges and jurors. It would be thought very strange for a judge or juror, about to go into the investigation of a cause, out of court or on the bench, before he had heard one word of the testimony, to express his opinion. It would be said he was forestalling the verdict, or, at least, that he had strong prejudices, and would not be considered as competent to give an impartial decision.

Mr. G. assured the House that he desired no delay, but sought for justice; and he would give to the House a few facts, to show the inconvenience to which the sitting member had been subjected. In the first place, the petitioner was in the situation of a plaintiff in a court of justice, who was necessarily in advance of the defendant with his testimony, and could not be taken by surprise. The defendant, like the sitting member in the present case, had no opportunity of knowing what testimony he should have to hunt up, nor what he should have to make replication to. Now, the elections in North Carolina were held on the second Thursday in August. The petitioner (Mr. Newland) being one of the three candidates before the people, did not give the sitting member notice until the second day of October of his intention to contest the seat, having had nearly two months to ascertain, as well as he could, the nature and character of his testimony. Before that he did not think proper to take any stand, contrary to the general rule of contested elections, where notice was very often given at the moment, though they were afterwards abandoned. The sitting member did not deem it his duty to take any active steps until the petitioner had commenced taking his depositions. On Thursday, the 29th October, the petitioner commenced, and continued through Thursday, Friday, and Saturday. He then went to another place, thirty-eight miles off, and commenced taking depositions on the Monday following, continuing through Tuesday, Wednesday, and Thursday. The notices were so arranged that the sitting member attended with the petitioner. He then received a notice to attend some sixty-seven or sixty-eight miles on the Monday following; and he attended accordingly.

Mr. BYNUM begged to inquire if it was in order for his colleague to go into a detailed statement of the case at that stage of the proceeding?

The CHAIR replied that, though the merits of the question were not open, the gentleman had a right to state the grounds upon which he urged that the House should not postpone the subject to a day certain, or why he desired further time, with a view that the House should act on the motion to commit.

Mr. BYNUM would then ask if it would not be an act of justice to admit the petitioner to a seat on the floor, either in person or by counsel, to reply to the statements made by the gentleman himself, which, it was evident, must be prejudicial to the petitioner?

The CHAIR replied that that was a matter for the decision of the House.

Mr. GRAHAM proceeded. He was about to state the reasons, and he was borne out by the facts, why the sitting member should have an opportunity of placing the whole evidence before the House.

The depositions commenced on the 29th of October, and continued step by step, day after day, in constant succession, keeping the sitting member in a constant attendance for upwards of twenty days, until he was compelled to take his departure for Washington city.

The Mountain district, which Mr. G. had the honor to represent, was not only one of the most populous in point of numbers, but, for extent of territory, was perhaps the largest in the United States. The population was sparse; but the district was nearly two hundred miles in length, and about eighty or ninety in width, being shaped like a mall. Now, how was it possible for mortal man to have travelled over this whole space, and collect and investigate testimony, in so short a time? This was one reason why, in justice, he asked for further time to enable him to lay the whole of the evidence before the House.

Mr. G. then entered into a lengthy statement of the proceedings before the Committee of Elections on the subject of a protest he had offered, and of his application to be heard on the principles of that paper. From the Christmas holydays he had heard nothing from the committee, until about the 15th or 16th of January, when the committee assembled, and desired to know if the parties had any thing further to say. The sitting member then informed them that he had anxiously and confidently hoped that his protest would have been passed upon, and an extension of time given him to collect further testimony. Some time afterwards he was notified by the chairman of the committee that further time would not be allowed, and Mr. G. supposed he had then no right to make the motion in the House, because it had referred the whole subject to the committee. These were substantially the facts upon which he grounded his appeal to the House, that further time should be given him to take depositions.

Mr. HOWARD desired to make an inquiry of the committee, the necessity of which sprung from the remarks of the gentleman who had just taken his seat. It was proper that the inquiry should be made and promptly answered, because something like censure had been imputed to the committee. A report had been brought in from a standing committee of the House, after two months of inquiry; and upon the very same day that that report was brought in, the House was called upon to grant further time to take depositions. From the remarks of the gentleman from North Carolina, [Mr. Graham,] it appeared that, on the 15th or 16th of January last, he applied to that committee for the privilege he then sought to obtain at the hands of the House. Now, if the House should undertake to grant that time, it struck Mr. H. that it would be entertaining an appeal from the decision of that committee, and reversing its

opinions. They would be casting an implied censure upon the committee, for refusing to do, after mature deliberation, what the House itself saw fit to do the moment it was called upon.

The inquiry Mr. H. desired to make was this: He wished to know from the committee, what were their reasons for refusing, about the 15th or 16th of January, further time to the sitting member to take depositions? Being himself altogether ignorant of the merits of the case, and anxious to keep himself so until he was in possession of the testimony, he put this inquiry, in order that he might judge if the committee had erred or not in refusing to grant what the House was then called upon to grant.

Mr. BOYD, in reply to the inquiry of the gentleman from Maryland, [Mr. HOWARD,] and to the remarks of the sitting member, said he had to state that the evidence before the committee showed that the petitioner gave notice, sixty-six days before the meeting of Congress, of his intention to contest the election of the sitting member. It was true, as stated by the gentleman from North Carolina, that the first depositions were taken on the 29th of October; and from that time up to the meeting of Congress the parties were each engaged in taking depositions; and as to the inconvenience complained of by the sitting member, that he was notified to take depositions at one point to-day, and at another seventy miles distant to-morrow, Mr. B. had only to say that that inconvenience, if it could be called such, operated reciprocally. The fact was, each of the gentlemen attended, either by themselves or by their agents, all the appointments for taking depositions; and they examined and cross-examined all the witnesses, except in one solitary instance; and in that case the sitting member, who failed to attend, had twenty-four or five days' notice given him. The committee thought an equal opportunity had been given the parties for taking testimony, and that sixty-six days was a sufficient time to collect all the evidence necessary to enable that House to determine who was entitled to the contested seat. These were some of the reasons which induced the committee to reject the application of the sitting member for time to take additional testimony. It seemed to Mr. B. singular that gentlemen who thought further time should be given for taking testimony should be found also urging the propriety of putting off the examination of the whole subject for more than three weeks. Ought they not rather, said Mr. B., to join in making this subject the special order of the day for Wednesday next, or some other early day, that we may act so soon as the testimony is printed and laid upon our tables? This course seemed to him to be the proper one, unless gentlemen were disposed to act without evidence, except such as should be furnished by the sitting member and the individual members of the committee. He, Mr. B., had no feeling on this subject; and in the whole investigation of this case he had been influenced alone by a desire to do justice to all concerned, and he had no doubt all the members of the committee had been actuated by a similar desire.

Mr. HARD merely wished to remark, in answer to the gentleman from Kentucky, [Mr. BOYD,] that the minority of the committee desired to put this matter off. He also wished to explain why he had submitted his motion to recommit. It would be recollected that when the gentleman from Kentucky made this report of the majority of the committee, the sitting member obtained the unanimous consent of the House to submit his protest, and it was also unanimously ordered to be printed, and Mr. H. had supposed that that paper furnished subject-matter upon which the House could act. With that view, he had submitted the motion that the prayer or application of the sitting member might be granted. It also then occurred to him and he still believed that motion to be in order, the House having granted their consent that he should submit his application; and he should still insist upon his motion, and renew it, that the sitting member have further time to make an examination of the evidence.

Mr. BOYD again rose, but the Speaker announced that the hour devoted to morning business had expired.

Mr. RENCHER remarked that it was exceedingly important that this subject should be promptly decided; and, in order to effect that object, he moved that the rules of the House be suspended, with a view to make some disposition of it; but the motion was rejected: Ayes 105, noes 58—not two-thirds voting in the affirmative.

Mr. CAMBRELENG then made a similar motion, with a view to proceed to the consideration of the unfinished business of yesterday, being the bill for the relief of the sufferers by fire in the city of New York; which was lost without a count.

JESSE SMITH AND OTHERS.

The House resumed the consideration of the bill for the relief of Jesse Smith and others.

Mr. OWENS concluded the remarks against the bill, which he had commenced on a former day.

The bill was further advocated by Mr. WHITTLESEY, and opposed by Mr. CRAIG; when

Mr. DUNLAP moved the previous question; and, upon seconding the same, there appeared: Ayes 79, noes 31. No quorum voting.

Mr. WILLIAMS, of North Carolina, moved a call of the House; which was agreed to.

The Clerk proceeded to call the roll; but, before the same was gone through with,

Mr. GARLAND moved to suspend further proceedings under the call; which was agreed to: Ayes 79, noes 53.

The previous question was then seconded: Ayes 95, noes not counted.

The question "Shall the main question be now put?" was decided in the affirmative.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on the passage of the bill; which were ordered, and were: Yeas 111, nays 72.

So the bill was passed.

HEIRS OF JAMES LATHAM.

The House then resolved itself into a Committee of the Whole, Mr. PHILLIPS in the chair, upon the bill for the relief of the heirs of James Latham, deceased.

[This bill provides that the heirs of James Latham be permitted to enter a quarter section of land, by virtue of a pre-emption, in the State of Illinois. Mr. VINTON, of Ohio, moved to amend the same by restricting the entry to the location of such lands as are now in the market.]

Mr. MAY rose and addressed the House as follows:

Mr. Chairman: The opposition of the gentleman from Ohio [Mr. VINTON] to the bill now under consideration is by no means unexpected; for I have yet to see the first instance in which that gentleman has failed to exert his influence to defeat every measure connected with a liberal disposition of any portion of the public lands, especially if such disposition were likely to confer upon the people of the West the slightest benefit. Sir, had the gentleman been only a few moments since as solicitous to guard the Treasury as he now is to preserve the public lands, he would have voted with me against the allowance of a claim of 30,000 dollars which has just passed this House in the shape of a bill. But, whilst claims for large amounts against the Government are received and favorably considered by this House, the just claims of the people of the West to land, however limited in quantity and trifling in amount, are resisted with an opposition of the most determined character. Sir, I shall

not trespass longer upon the time and attention of this House than may be necessary briefly to explain the nature and origin of the claim upon which this bill is predicated, and the reasons that influenced the Committee on Private Land Claims to report it to the House. This claim has been twice acted upon by the committee, and on each occasion there was no difference of opinion among them as to the propriety of granting relief. Last year a bill similar to the one now under consideration was reported and passed the House, but, for the want of time alone, failed in the Senate.

By reference to an act of Congress, passed on the 5th day of February, 1813, it will be seen that the right of pre-emption to 160 acres of land was, upon certain conditions, granted to every settler upon the public lands residing within the limits of the two land districts established at Vincennes and Kaskaskia, for the Territory of Illinois. The register and receiver at Vincennes, when called upon to act under this law, refused to allow the right of pre-emption to certain persons, as not being within the boundaries of the land district at Vincennes. This decision was afterwards found to be erroneous, and Congress, to remedy the hardships endured by the settlers, thus improperly denied the right of pre-emption by the decision of the land officers, passed a law on the 11th of May, 1820, allowing all such persons as had been thus deprived of the benefits intended to be conferred by act of Congress of ———, 1813, to appear before the register at Vincennes, and upon their making proof that they would have been entitled to the right of pre-emption under the former law, had that law been correctly construed, and that they had not purchased the land claimed by them, either at public sale or private entry, the register was authorized to issue a certificate in favor of such persons, setting forth the fact of such proof having been made; and upon the production of such certificate at any land office in the State of Illinois, the original pre-emptor, or his legal representative, was entitled to enter 160 acres of any of the lands of the United States lying within the limits of the State of Illinois, which had been surveyed prior to the 1st of September, 1820, whether the same had been offered at public sale or not. Such, sir, is the origin of what is called the Vincennes pre-emption floating claims, and it was in virtue of one of these claims that the present town of Peoria was located by James Latham in his lifetime. For the period of almost seven years after this tract of land was purchased by Latham, although the Commissioner of the General Land Office was often urged to issue a patent in favor of the purchaser, he refused to do so. This refusal on the part of the Government to recognise the validity of the sale of the land was produced by the county commissioners of Peoria county, who made application to purchase the same land for county purposes, under the general pre-emption law of 26th May, 1824. The land officers at Springfield rejected the application of the commissioners of Peoria county to purchase the land, and it remained in this situation till Congress, on the 2d March, 1833, passed an act by which the county commissioners were authorized to enter the land, subject to the claim of Latham's heirs. Had the Commissioner of the General Land Office decided within a reasonable time the entry made by Latham to have been legal or illegal, which he was urged to do, Latham would have acquiesced, for he then could have selected other lands equal, or at least but little inferior in value, to the tract of which he has been deprived. But by reason of the great delay on the part of the Commissioner to make any decision in the case, Latham lost all opportunity of locating other lands, as almost all of the public lands which were surveyed prior to the 1st of September, 1820, were offered at public sale, and subject to private entry before the heirs of Latham ascertained that they would not be permitted to hold the land acquired by them, without a lawsuit. Sir, would the passage of this bill confer upon the heirs of Latham any greater or higher privilege than they enjoyed at the time of the location of the tract embracing Peoria? I undertake to say that it would not. The bill proposes only to give them the right to select from any of the public lands in Illinois which may now be surveyed, a quantity of land not exceeding 160 acres, by paying to the Government the minimum price of said lands.

It is well known that there are but few townships of surveyed lands now in Illinois, which have not been offered at public sale; and in those few, most of the valuable lands have already been taken by floats, under the pre-emption law of 1834. The gentleman from Ohio [Mr. Vinton] expresses his apprehensions that the present bill, if it become a law, will enable the heirs of Latham to locate mineral lands, salt springs, or situations embracing water privileges. Sir, I am greatly surprised that the gentleman, coming, as he does, from a State in which the public lands are situated, should possess so little knowledge of the subject upon which he has spoken. Does not the gentleman know that all mineral lands, as well as salt springs, are expressly reserved from sale, and are not subject to location? But if such were not the fact, still the passage of this bill would not enable the heirs of Latham to obtain, by their location, either mineral lands or salt springs; for the mineral lands lying within the State of Illinois are yet unsurveyed, nor is it believed that salt water is any where to be found upon any lands of the United States in Illinois, not heretofore offered at public sale.

The gentleman has alluded to the claim of an individual to the tract of land embracing Fort Dearborn. Sir, the gentleman's object cannot be mistaken. By referring to the claim, and value of the land, a prejudice is sought to be created against the heirs of Latham. It is not my purpose now to enter into any discussion on the merits of the claim to the tract of land embracing Fort Dearborn. The decision of that question belongs to another tribunal; but I feel constrained to repel the slanderous insinuation, made against the claimant of that tract, who has been represented by the gentleman from Ohio to be a poor dealer in whiskey. This, sir, is not the fact; Mr. Beaubien, although not rich enough perhaps to command the respect of the gentleman from Ohio, is not a dealer in whiskey. Had this property fallen into the hands of some rich speculator, perhaps the gentleman from Ohio would have regarded it with greater complacency. Sir, it is painful to witness the narrow-minded, contracted policy, on the part of some members of this House, in relation to any liberal disposition of the public domain. The people of the West have been again and again stigmatized on this floor as land-pirates and robbers. Sir, if the application of these opprobrious epithets are to be indulged in, it is not difficult to foresee the result. It must, in the nature of things, tend to alienate the feelings and affections of the people of the new States from those of the older members of the confederacy. The people of the West rejoice in the prosperity of their Atlantic brethren; they murmur not at the vast expenditures of public money, annually made, for the protection of their commerce, the improvement of their harbors, and the fortification of their seaboard; but while such enormous sums of the revenue of the nation are thus expended, they confidently expect that their own wants will enlist the sympathies and feelings of their northern as well as southern friends; and least of all do they expect to have hurled at them, when modestly urging those wants upon the consideration of this House, epithets which belong quite as much to those who use them as to those to whom they are applied.

Sir, the only land-pirates known in Illinois are found among the avaricious speculators who come among us,

and who, in the absence of pre-emption laws, are enabled to purchase the improvements of the honest settler without rendering him therefor any equivalent whatever.

Sir, the gentleman from Ohio tells us that if Latham's heirs have acquired any right to the land embracing the present town of Peoria, their claim has not been impaired by the action of Congress, in passing a law authorizing the entry of the same land by the county commissioners of Peoria county. The heirs themselves thought differently; at least, they saw no prospect of maintaining their rights, without a long, tedious, and vexatious lawsuit, the great expense of which they were not well qualified to support; and as Congress, by its legislation, has left them no other alternative than a lawsuit, or an abandonment of their just rights, it would be strange indeed if they would add to their injustice by refusing to pass the present bill. The wild lands in Illinois are estimated far beyond their real value. It is only when these lands are cultivated and improved by what some term the squatters, that they command more than the minimum price of the Government. There is not an instance within my knowledge where any of the public lands in Illinois have sold for more than $1 25 per acre, except at the sales of the public lands at Chicago in June last, when some of those lands near that place sold perhaps as high as $10 per acre, and some lands which were lying along the line of the Illinois and Michigan canal sold in a few instances for from 3 to 4 dollars per acre. It cannot, then, be imagined that the heirs of Latham are likely to realize any great advan- from the passage of this bill.

Sir, let us now consider for a moment the character of the amendment offered by the gentleman from Ohio to this bill. In that amendment he proposes to allow the heirs of Latham to locate their float upon any lands which are now subject to private entry. Would such an amendment confer any privilege upon Latham's heirs which they do not already enjoy, and which is not possessed by every man in the Union? Does not the gentleman know that it requires no additional legislation to enable the heirs of Latham or any other person to purchase as much land as they have money to pay for at private entry? Whence, then, the necessity or propriety of passing a law authoriz ng persons to do that which they may do already? Sir, I hope the House will at least save themselves from the imputation of folly so gross as that of authorizing, by the enactment of a special law, persons to do that which they now have the right to do without additional legislation. But, sir, the amendment offered to the bill proposes, instead of conferring a privilege, to deprive the heirs of Latham of a right they already possess—a right secured to them under the act of 11th May, 1820, to which I have already alluded, and in virtue of which they can now locate their claim upon any of the lands of the United States in Illinois which may have been surveyed prior to the 1st of September, 1820. But, Mr. Chairman, I have already detained the House longer than I had intended, and I shall conclude by expressing the hope that the amendment proposed by the gentleman from Ohio may not be adopted.

After taking up and considering some other bills, the committee rose and reported the bill, with an amendment; and the House adjourned.

SATURDAY, FEBRUARY 27.

CONTESTED ELECTION.

After several unsuccessful attempts by members to procure a suspension of the rules, for the purpose of presenting petitions, the House resumed the consideration of the report of the Committee of Elections, against the sitting member, [Mr. GRAHAM,] on the subject of the North Carolina contested election; two motions pending: one to postpone the consideration of the subject to next Wednesday, and make it the special order for that day; and the motion of Mr. MANN, of New York, to postpone it to Tuesday week.

Mr. VANDERPOEL said he understood the question now before the House to be a motion to fix a day certain for the consideration of the report presented by the Committee of Elections, and he also understood that the sitting member, [Mr. GRAHAM,] and other honorable gentlemen, contended that the sitting member ought to have longer time for the taking of testimony; and he had already heard of a motion to recommit this case to the Committee of Elections, to the end that he might have further time. He was for taking up the case after the lapse of the shortest period of time within which the testimony and report could be printed, and gentlemen could possess themselves of the case.

The prominent facts of this case, as he had heard them from gentlemen of the Committee of Elections, who had addressed the House yesterday, and also from the sitting member, were these: In October last, and more than sixty days before the commencement of the present session of Congress, the petitioner gave notice to the sitting member that he would contest his right to a seat in this House: the parties some time afterwards took testimony; the petitioner came here with his petition, and it was referred to the Committee of Elections. They proceeded to act upon the case, and about the middle of January, and after more than six weeks had elapsed since the committee had entered upon the case, the sitting member applied to the committee for further time to take testimony. The committee refused to give such time, and have reported to us that the petitioner is entitled to his seat. The sitting member has addressed to us a paper, in the shape of a petition, for further time to take testimony.

He humbly conceived that this application could not be granted, consistently with the rights of the petitioner, and, what were more important, the rights of the electors of the district to which the gentleman belonged. He objected, wholly objected, to the position urged by the honorable sitting member on yesterday, that he was not obliged to commence taking his evidence until the petitioner had commenced taking his testimony. The sitting member was notified that his seat would be contested; he knew what evidence, what materials, he could command to fortify his claim to a seat; and it was his duty to secure them, with all reasonable diligence. He need not have waited till after the other party had taken his incipient steps. The law and reason in matters of this kind favored only the diligent. The sitting member had told us that his district was very large. Mr. V. thought, that if it was as large as was represented, sixty-four days was, in all conscience, time enough to have procured his testimony. The gentleman's State was very large, but he ventured to say that the laws and courts of his State did not require more than fourteen or twenty days' notice of trial in civil cases, though a party might have witnesses in the extremest portion of the State. But this was not all; not only had the sitting member had abundance of time to take his testimony before the meeting of Congress, but he was chargeable with most fatal laches for not making an earlier application for an extended time for taking testimony. Instead of making this application when the committee first entered upon their duties, it seemed he had waited till the middle of January, and then made this application to the grace and favor of the House. This application, after this lapse of time, was not only unprecedented, but he (Mr. V.) had found a precedent very much against allowing such indulgence. He here referred to the case of Taliaferro vs. Hungerford, reported in a book of contested elections in Congress, page 248. There, the sitting member, before

the examination of the evidence was gone into, asked for time to take testimony. The Committee of Elections reported a resolution to allow him further time. The House refused to concur in this resolution, by a vote of 46 to 65. A motion to recommit the subject to the Committee of Elections was lost, and the House then passed a resolution that the petitioner was entitled to a seat in this House, by a vote of 67 to 29. The sitting member here, it will be perceived, does not make out as strong a case as did the sitting member in the case reported. There, the sitting member, before the examination of the case was gone into by the committee, asked for time to take testimony. Here, it seems that he waited more than six weeks before he made such application. What might be the consequence, if we granted the indulgence here asked for? Why, a party might first wait two or three months, and speculate first upon the chance of getting a favorable report from the committee; and then, upon ascertaining that the report would be adverse to him, he might come here and ask for and receive further time to take testimony, and thus protract the final decision of the case till near the end of the session. There was a time, in all tribunals, when testimony was to be considered as closed; and if, after the parties had had sixty-four days' notice to take evidence, and after having been six weeks before the first tribunal, (the committee,) we should grant an application to take supplemental testimony, he would only say it would be an instance of indulgence as extraordinary as it was unprecedented. Mr. V. said that the remarks he had submitted were made with a feeling of entire kindness and respect for the honorable sitting member; and without knowing any thing of the merits of the case, or how he should vote on the merits, he had felt constrained to say what he had said in relation to this preliminary question.

Mr. CLAIBORNE, of Virginia, begged leave to make a response to an inquiry put yesterday by an honorable member from Maryland, [Mr. HOWARD;] an inquiry that might be expected to come from every member disposed to give this matter a candid and impartial consideration. The inquiry would be distinctly recollected, and it was to this effect: what were the reasons which influenced the committee, both the majority and minority, the latter in agreeing, and the former refusing, to grant further time to take testimony? Mr. C. would not answer for others, but he could for himself. He had voted for giving additional time, for reasons that were perfectly satisfactory to his own mind; and he thought he should be able to satisfy the House that additional time ought, under existing circumstances, indispensably to be given, to advance the great cause of truth and justice. It was true that the petitioner gave the adverse party sixty-six days' notice, when, by the laws of North Carolina, he might only have given thirty; but then there was only an interval of thirty days from October the 29th, till the sitting member was under a moral obligation to set out to attend to his duties in Congress. If the House would examine the proceedings of the parties, they would find that the petitioner had monopolized to himself almost the whole of the time, and left to the sitting member only a few days to collect his testimony. Mr. C. assimilated the present case to a suit in chancery, where further time, under the same circumstances, was always given; and he earnestly appealed to the House to grant the application of the sitting member.

Mr. BOYD regretted the difference of opinion that existed on the part of the Committee of Elections, especially on the subject of the present application. Before he proceeded, he wished, if wrong, to be set right, and he begged, respectfully, to make an inquiry of the honorable chairman of the committee [Mr. CLAIBORNE.] In relation to the notices given by the petitioner to the sitting member for taking testimony, the gentleman from Virginia and himself agreed, together with four other members of the committee, that the notices were sufficient. He believed this was so, and he desired to know if he was correct or not; for if his memory failed him in this instance, he would never undertake to recollect any thing again.

Mr. CLAIBORNE replied that he recollected not only the decision of the committee, but also the words in which he had expressed his own opinion. He stated that the first notice was a sufficient intimation of the intention of the petitioner to dispute the election; and he also signified his opinion that the other notices were a sufficient indication of the intention of the petitioner to take depositions, and he said so still.

Mr. BOYD had understood the gentleman as complaining that there was no sort of specification in the notices given to the sitting member. He recollected very well that the gentleman said, in committee, that it was necessary, in cases of contested elections in the State of Virginia, that the names of the voters should appear in the notices, but that it had never been adhered to there. They all agreed, then, that the notices of the petitioner to the sitting member had been sufficient; and it was admitted that the facts Mr. B. had stated yesterday, in relation to taking the depositions, were also correct. The notices were reciprocal, and equally inconvenient to both parties; or, if there was a balance on any side, the hardship was greatest on the petitioner. Mr. B. then read, at length, memoranda of the various notices given on both sides, to prove that the sitting member had no ground of complaint to make on that head, with reference to the petitioner, but that the petitioner had been subject to most inconvenience and hardship. It would be found, however, that both parties attended, either by themselves or deputy, every meeting except one, and that exception was the fault of the sitting member himself, who had received ample notice. Mr. B's recollection also was, that nothing was heard about either party wanting further time till the testimony was all submitted. Then, would it have been reasonable, when the case was closed, for the committee to allow further time? Could it be reasonable that the House should allow further time? He had hoped no discussion would have arisen before the testimony was in possession of the House. He had hoped that an early day would have been fixed for its consideration; and he had an assurance that the documents would be laid on the table in the course of a few days. He would only remark, in conclusion, that if the House should grant further time in this case, he was perfectly satisfied that it would never be decided; and he would not give one single groat for the privilege of contesting an election.

Mr. BEARDSLEY desired to know whether the application for further time was to search out and find evidence that might be supposed to have a bearing in the case, or whether it was for time to take testimony of which the sitting member was already cognizant? If the latter, he would also like to know what was the evidence the gentleman had a knowledge of, and why it had not been heretofore taken.

Mr. McKENNAN said that the statement just made by the gentleman from Kentucky [Mr. BOYD] had perfectly satisfied him of the propriety of granting the time requested by the sitting member to procure further testimony, so as to enable the House to come to a correct and satisfactory conclusion. From that statement, it appeared that the parties had been diligently engaged, from the commencement of the contest, in taking testimony to support their respective claims, and had continued their efforts down till the very meeting of Congress. The sitting member, after thus using due and extraordinary diligence, now comes before the House, and declares,

upon his word of honor, that with all his industry he has not been able to obtain all the evidence which is necessary to enable the House to act correctly and understandingly on the subject. He put it to the gentleman from Kentucky, presuming that he was a lawyer, and to the House, to say whether, even in a court of law, there would be any hesitation in granting similar indulgence? On an application before that tribunal to postpone the trial of a cause, the first inquiry made is, whether due and reasonable diligence has been used by the applicant to prepare for trial; and if satisfactory evidence is furnished upon that point, and the court are satisfied that there is no affectation of delay, he submitted that no court would refuse the application for a continuance. In the case before the House, there was no allegation that the sitting member had not been most diligently employed between the 29th October, when the petitioner commenced the taking of his testimony, and the time when the discharge of his public duties demanded his presence here. He now comes forward and declares that he is not prepared; and there is no ground for the pretence that there is any disposition on his part unnecessarily and improperly to delay a decision upon the case. He thought, upon principle, and from analogy to proceedings in judicial tribunals, justice to the parties and to the people of the district from which they came, as well as an anxious wish on the part of the House to come to a correct decision, ought to induce them at once to give the time required for taking additional testimony.

But in resisting this application, which to him seemed so reasonable, the gentleman from New York, [Mr. VANDERPOEL,] who had just addressed the House, had cited some precedents to show that similar applications had been refused by former Congresses. The first case he referred to was the contested election between Hungerford and Taliaferro, of Virginia; and, from the reading of the case, it was very apparent that it bore no analogy to the one now before the House, and of course ought to have no bearing upon the question. The election in Virginia took place in April; notice that the seat would be contested was given to the sitting member in May, and the depositions were commenced in September. In the case now before the House the election was held in August. Notice of the intention to contest was not given by the petitioner till some time in September or October, and he did not commence the taking of his testimony till the 29th of the latter month, leaving only about one month for the inquiry after, and examination of, all the witnesses on both sides, who were to be collected in that mountainous and very extensive district. As he said before, there was not the most distant analogy between the two cases. But the gentleman from New York, to bear him out in his position, had cited the case of Moore and Letcher, in the last Congress. The gentleman from New York was a member of the Committee of Elections, and one of the majority who reported on that case. This was a most unfortunate reference, and he (Mr. McK.) concurred entirely with the gentleman from North Carolina [Mr. BYNUM] in deprecating the course pursued in that case, and in expressing a hope that neither this nor any future Congress would feel a disposition to consider it a binding precedent. What were the facts in that case? A majority of the committee, of whom the gentleman from New York was one, reported, after a very elaborate examination of the testimony, a resolution that Thomas P. Moore was entitled to his seat, and the House came to a conclusion that would have disgraced an illiterate jury of the country. That conclusion was, that it was impossible to say which of the two claimants was elected; that no election had been made, and they should therefore go back to the people. And what was still more extraordinary, was the fact that the gentleman from New York, after having, with the Committee of Elections, declared that Mr. Moore was clearly entitled to his seat, united with the majority of the House in the conclusion that the testimony was too voluminous and the case too intricate for decision, and should therefore be sent back to the people.

He hoped that such a case would not be set up as a precedent for future action, and particularly by the gentleman from New York. [The SPEAKER here intimating that he was taking too wide a range, Mr. McKENNAN said he submitted to the correction of the Chair, and would pursue that case no further.]

Before he sat down, however, he must be permitted to say that it was with no little surprise and regret that he heard the gentleman from North Carolina [Mr. BYNUM] yesterday declare as his opinion that the sitting member was not entitled to his seat, although no opportunity has been afforded for the examination of the case. For his part, he knew nothing of the merits of the controversy, and he wished to know nothing till the testimony was laid before the members, and he could have an opportunity of fairly and fully examining that testimony. He would then endeavor to make such a decision on the questions presented as would satisfy his own conscience.

He concluded by expressing a hope that the proposition to make the report the special order for Wednesday next would not prevail, and that the House grant the indulgence requested by the sitting member, to enable him to take further testimony.

Mr. WHITTLESEY here called for the orders of the day, the hour of one having arrived; but gave way to Mr. GRAHAM, who asked leave to address the House; whereupon,

Mr. BOYD moved that the rules of the House be suspended, in order to proceed with the consideration of the subject; but the motion was not sustained: Ayes 104, noes 67; not two thirds.

Mr. GRAHAM then, by leave of the House, replied to the interrogatories of the gentleman from New York, [Mr. BEARDSLEY.] The gentleman had inquired if the sitting member was able to answer whether he knew the names of the voters alleged to be illegal, or whether he had yet to look for them? To that inquiry, he had to answer, that he was able to put his finger on something like ten, fifteen, or twenty, illegal voters. Mr. G. here read over the names of several persons, alleged to be illegal voters, and stated that he wished to take the evidence of the sheriff of Haywood county. He said the case of Hungerford and Taliaferro was not a case in point. In the State of Virginia the elections came on in April, and notice was given of the intention of one of the parties to contest the election in May; so that there was much more time in that case than in the present, for the collection of testimony. In the State of Virginia, also, it was the practice for the petitioner to exhibit the names of the illegal voters, and the place at which they voted; but it had not been so in his case. Whenever he called on the petitioner to give the names, he received no answer, and was left in the dark; and in the Virginia case alluded to, it was almost within cannon shot of the Capitol, while his district was five hundred miles from it; one portion of it on the frontier of Georgia and South Carolina, and another on the frontier of Tennessee. He sincerely trusted that Congress would give him such time as might be necessary in bringing the evidence before them.

Mr. BOYD inquired at what time the information reached the gentleman from North Carolina of the additional testimony in the case?

Mr. GRAHAM replied that it was about the time that he was leaving home, to come to take his seat in Congress, and he had instructed his agents to get the testimony as soon as it could be procured.

Mr. BOYD inquired whether the testimony of the sheriff, mentioned by the gentleman, had not already been taken?

Mr. GRAHAM said he was not aware that it had been taken; if it had, he had never seen it.

Mr. BOYD said that it had been taken.

Mr. GRAHAM replied that he had never been examined when he was present, but he had been called from home for some time, and it might have been taken during that time.

HEIRS OF JAMES LATHAM.

The House now proceeded to the orders of the day, and took up several private bills reported from the Committee of the Whole yesterday; which, after being severally considered, were ordered to a third reading; among which the bill for the relief of the heirs of James Latham coming up, reported with an amendment—

The amendment was opposed by Mr. REYNOLDS, of Illinois, who remarked that he was satisfied the Committee of the Whole House, who had acted on this subject yesterday, did not fully comprehend it, or else a different decision would be given.

It is no disparagement or insult (said Mr. R.) to the judgment of this honorable body, that they did not understand a subject that was not interesting to them, and of but small import to any one except the parties concerned in it. He coincided with the opinion of his friend, [Mr. GARLAND, of Louisiana,] that the House had not sufficiently considered the subject, and had not examined it in all its bearings, or the opinion of the committee which was pronounced would have been different.

Mr. R. said his object was simply to present the case of the heirs of Latham to the House, for their consideration, and ask that justice be done their claim. He did not wish or expect to place the heirs in a situation better than the act of Congress found them. But should the amendment of the gentleman from Ohio [Mr. VINTON] prevail, they would, no doubt, have a very honorable notice taken of them, but, in point of fact and truth, a very unprofitable one.

On the subject of the public lands and pre-emption rights there are arrayed two distinct classes of men. The primary object of one class is the accumulation of money by the sales of the public lands, while the great and leading policy of the other is the speedy and permanent settlement of the country. This great and leading difference of opinion arises, for the most part, in the minds of gentlemen, not from any selfish or interested motives, but from the very great and essential difference in the education of certain individuals, and the country in which they are raised. There is, in this vast republic, which is extended over a great continent, such variety in the local situations and in the different sections of the country, that there will be, from necessity, a great diversity of opinion amongst the inhabitants thereof. This we see verified every day, and it will continue to be the case so long as the causes exist as they now do. Then, it is not strange that the gentleman [Mr. V.] and he (Mr. R.) should not agree on this subject. They were raised and educated in very different sections of the Union. He [Mr. V.] was raised in the old and respectable State Massachusetts, while Mr. R. said he was raised in the West, amongst the pioneers and pre-emptioners of that country. Mr. R. said he was proud, and considered it an honor to him, to be raised in the "far West," amongst a class of men that sometimes were traduced, and called squatters and land-pirates. It is this class of men, these brave and hardy pioneers, that first penetrated the wilderness, and brought the country into notice and character and it is to this class of men that the Government is indebted for so many millions of dollars for the sales of the public lands. They converted the wilderness into a country highly improved and productive of all the conveniences and comforts of man. These same pioneers did, and are always willing to, defend their country in the hour of danger. On all occasions, knowing the merit and worth of these men, Mr. R. said he would advance their interests. It is on this consideration that the claimants, the heirs of Latham, who are honest and respectable citizens, are the subject of these remarks.

In order to understand the claim of the heirs, it will be necessary to refer to the act of Congress of the 5th of February, 1813, which gave the right of pre-emption, in the following words, to wit:

"That every person, or legal representative of every person, who has actually inhabited and cultivated a tract of land lying in either of the districts established for the sale of the public lands in the Illinois Territory, which tract is not rightfully claimed by any other person, and who shall not have removed from said Territory, every such person, and his legal representative, shall be entitled to a preference, in becoming the purchaser from the United States of such tract of land at private sale, at the same price and on the same terms and conditions as are or may be provided by law for the sale of other lands sold at private sale in said Territory."

It will be necessary to state to the House that part of the Vincennes land district extended into the then Territory of Illinois, and, by some improper construction of the act of Congress, the settlers in the Territory of Illinois, residing in the Vicennnes land district, were excluded from the benefits and privileges of the pre-emption laws. It may not be improper to remark that, on many occasions, these acts of Congress are construed to death by the officers who act on them. We have a memorable instance of it in the State of Illinois, in the case of the act of Congress which contemplated relief to those individuals that lost horses in the Indian disturbance in 1832. In order to relieve those citizens in the Territory of Illinois, an act of Congress passed on the 11th May, 1820, which provided, "That every person who would have been entitled to a right of pre-emption in the said Vincennes district, according to the provisions of the said recited act, passed the 5th of February, 1813, had it been so construed to embrace them, shall be allowed to prove to the register and receiver at Vincennes that they would have been so entitled.

"And every such person, or his legal representatives, shall, upon producing such certificate to the register of any land office in the State of Illinois, be allowed to enter one quarter section each, at the *minimum* price fixed by the United States, of any land which may be surveyed previous the 1st day of September next, whether the same shall have been offered at public sale or not."

The ancestor of the claimants became the proprietor of a pre-emption right, which is founded on these acts of Congress, and with it, on the 26th November, 1826, entered and located one quarter section of land, which included the ancient town of Peoria. Mr. R. said he was informed, as he did not personally know the fact, that no person, except probably one individual, resided on the premises at the time of the location of the pre-emption right. Mr. Latham paid into the receiver's office at Springfield, in the State of Illinois, the price required by law for this tract of land, and received the proper vouchers for the same. The constituted authorities of Peoria county, under the act of Congress of 26th May, 1824, allowing a pre-emption to the county for the use of the county, made some objection to the issuing of a patent to the heirs of Latham: and thereupon the patent never did issue. The case between the heirs of Latham and the county remained thus unacted on until the last session of Congress; at which session an act was passed permitting the county to purchase the same premises,

which had been before that time located and entered by the pre-emption right of Mr. Latham, reserving the right of the heirs to bring suit for the land in question.

This is a plain and simple narration of the facts, as far as he knew them, and he believed them to be true in relation to the case now before the House. The gentleman from Ohio [Mr. VINTON] objects to this bill, as the claimants may select a very valuable tract of land, and even may locate it on a site for a town. This Mr. R. said may be true. Every one is justified to do the best he can with the means in his hands, so as he act uprightly and honestly in the transaction. Mr. R. said he would do so, and he had no doubt the gentleman [Mr. V. of Ohio] would do the same. The heirs of Latham cannot locate their pre-emption right on a more valuable town site than Peoria was at the time of location. This town occupies one of the most beautiful sites in the State of Illinois, or in all the West. It is situated on the Illinois river, at the lower end of Peoria lake, and in the centre of the most fertile and desirable region of country in the State. This site attracted the attention of La Salle and Father Hennepin, in their first exploring expedition to the West from Canada, in the year 1680. Their successors, of all nations and colors, who have visited this place, approve of their taste and judgment in selecting this position for a fort and town. It will at once be seen that the heirs of Latham cannot locate their claim on any place in the State of Illinois that will now be more valuable than the site of Peoria was. The gentleman from Ohio says they may resort to a lawsuit, and recover their rights. This remedy to recover the rights of the heirs is slow and expensive. It is attended with difficulty to prosecute the claim through the various courts, before a final hearing and decision could be had. And, in the mean time, the town, which is now in such flourishing condition, would wither and die. It need not be named to this House, that a town in dispute will not improve and prosper. This consideration will weigh powerfully with this honorable body in the decision of this case. The Congress of the United States have the power of doing justice to these heirs, and at the same time continuing the flourishing prosperity of one of the most promising towns in the State of Illinois. This case does not present a new and dangerous principle in the policy of our land system. It falls within the principles and policy which have been adopted and acted on from the commencement of the present system.

In the year 1800, the first right of pre-emption which he discovered in the law books was given in the country where the gentleman from Ohio [Mr. VINTON] resides, to persons who had erected mills, or who had commenced them. This policy has never been abandoned, from that time to the present; and Mr. R. hoped in God it never would be, while the Government owned one acre of land in the United States. From the year 1800 down to the present time there have been passed thirty or forty, or perhaps more, acts of Congress allowing the right of pre-emption. It is the settled and acknowledged policy of the Government. There is at the present time a pre-emption law in existence, which will not expire until next June. This has been the course pursued by the Government for almost forty years. This policy is founded on equitable and just principles, which constitutes a part and parcel of our land system. He hoped its propriety and justice would not now be either questioned or disturbed, in this or any other case. A single moment's reflection will rivet it strongly in the breast of every patriot and friend to justice and humanity. The pre-emption system comports with the views of those individuals who think the public lands ought alone and singly to be considered and used for the benefit of the Treasury of the United States. And it is also strongly and warmly recognised by those persons who think the primary object of the public lands is to have on them actual and *bona-fide* settlers and farmers. If we desire the accumulation of money in the Treasury, to grant the right of pre-emption to farmers will accomplish this object. The lands adjacent to these pre-emptioners will sell higher and more rapidly, and be enhanced in value by being in the vicinity of improved lands. This will be recognised by all who have witnessed the operation of the pre-emption system. In this view of the case, the Government is greatly benefited in the Treasury by the policy. The other class of people is pleased with the pre-emption system, because the country is settled and improved. The lands are in the hands of the citizens, and the States in which the public domain is situated can exercise complete and sovereign jurisdiction over the lands, by taxing them, and performing other acts of sovereignty, which they now forbear to do. And, what is still more, and better, it secures to the actual settler a home and fire-side of his own. He is then, what every farmer should be, the lord of his own soil. It inspires him with confidence in his Government, and demonstrates to him, what is the proudest appellation on earth, that he is a "free and independent American citizen." Another great consideration is to the farmer that he is secured in his possessions from the devouring rapacity of speculators. His little farm and possessions, which he has toiled and labored to make, will be saved from the grasp of the cold and heartless miser. The poor but honest man may have spent all his means, and much of his time and labor, to improve a tract of the public lands; then to lose it is too much to bear. The pre-emption system will preserve it, and the Government not be injured in any manner whatever.

The case of the heirs of Latham is founded on these principles, which have been so long recognised by the acts of the Government and the people that they are as immutable almost as the constitution of the country. Mr. R. said he desired no more nor less than that these principles and policy be applied to the case now before the House. Although it is an isolated case, yet if it does not fall within the general principle which is recognised by the laws of Congress, he did not expect or wish it to pass.

The gentleman from Ohio suggests the consideration that there may be fraud in this matter. In relation to this charge, Mr. R. said, he would vouch for the character of the claimants, that they sustained the reputation of honest and correct men; so was their father. Fraud is a kind of charge that may be made, with some plausibility, against any transaction whatever. The scriptures themselves have not been entirely clear of the charge; yet the great mass of mankind give the allegation no credence whatever. In fact, there can be no fraud gathered from the transaction; and we cannot presume fraud when there is no foundation for it.

It appears, from the report of the committee, that the assignment or transfer of the pre-emption right to Latham was acknowledged by the public officers at the land office in Springfield, and the pre-emption located. Latham, being the assignee, no doubt for a valuable consideration, has the same right as the original pre-emptioner had, under the laws of Congress; and so the register at Springfield has decided, by permitting him to locate it on the lands of the United States. It appears that the heirs of Latham, having legally located the pre-emption, had a good right to the premises, except by the act of Congress of the last session; and as the act of Congress deprived them of their right, and left them only the privilege and lean blessings of a lawsuit, it is just and proper that Congress should relieve them, and place them as near as practicable in the situation they found them.

In answer to the gentleman from Ohio, Mr. R. said he would present the views of the great and talented states-

man, Alexander Hamilton, to repel the argument that the accumulation of money in the Treasury ought to be the sole object of Government, in the disposition of the public lands. This great and wise man, on 20th July, 1790, while in the office of the Secretary of the Treasury, reported, in "obedience to an order of the House of Representatives," that there appeared "two leading objects" of consideration: one to raise money, and the other to settle and improve the country, in the disposition of public lands. The first "leading object," which was to raise a revenue, has been fully accomplished. The only misfortune and trouble with the Government now is to know what to do with the surplus revenue in the Treasury. The tariff laws, which established what is sometimes called "the compromise system," will provide for more revenue, without the income on the public lands, than will be necessary for the ordinary operations of the Government. This being the case, there is now remaining in the Secetary's report but "one leading object," and that is to settle and improve the country, in which he hoped the gentleman from Ohio would aid and assist.

If it be necessary, Mr. R. said, he might present to this House the repeated and urgent recommendations of the Executive of the United States, "that the public lands shall cease, as soon as practicable, to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands, their survey, and sale." These continued recommendations, coming from the Executive of a great nation, and from a President than whom no President in the Government ever stood higher, or more esteemed by the people, must have weight on this subject with all classes of mankind, and even with the gentleman from Ohio himself. The President has, in all his messages, taken high and elevated views of policy throughout the whole Union. He has recommended strongly such measures to be effected on the seaboard as will be greatly beneficial to the Atlantic States: so has he, in various messages, for many years, urged to Congress the propriety to reduce and graduate the price of the public lands. These measures will be alike, and Mr. R. hoped together, considered by Congress. Let the western farmers have the public lands at reduced prices, while the citizens of the Atlantic States receive all the public money for fortifications, light-houses, and other improvements. The gentleman from Ohio has dragged before the House an isolated case from Chicago, in the State of Illinois, to show that Mr. Baubien had acquired a great fortune by his pre-emption right, and that the heirs of Latham might do the same. He said the pre-emptioner, Mr. B., was "a sutler," &c. Mr. R. said he was at Chicago a few days after the sale was made to Mr. Baubien, by virtue of his pre-emption right, and thereby became acquainted with the transaction. He had since his arrival here received documentary evidence on the subject, and presumed he could speak knowingly as to the whole transaction. Mr. Baubien was not a sutler, nor did he sell whiskey. If he did, in our State there is no law or public opinion established to exclude sutlers and sellers of liquors from the privilege of the pre-emption laws. With us, we act on the principles of equality; we know no orders of nobility. Sutlers and liquor-sellers are, like other citizens, permitted to come into the pale of our political church. Mr. Baubien was once, but not at the time he made the purchase, the clerk or agent of the "Fur Company," so called in our country. Mr. R. said he was informed that Mr. Baubien was in the possession of the premises he purchased by virtue of his pre-emption right for many years before the sale. He had long before the sale purchased the houses and improvements on the land in question, and had made other and further improvements on the land, to a considerable amount of money. Under the provisions of the pre-emption laws he presented himself before the proper officers, the agents of the Government, in the land office at Chicago, with satisfactory and conclusive evidence to entitle him, like other pre-emptioners, to the privileges of the pre-emption laws, and demanded his right. The officers of the Government had no choice left them. The land was not marked on the plat, "reserved from sale;" and they had no official evidence, verbal or documentary, to prevent Baubien from becoming the purchaser, by virtue of his pre-emption. The officers had no authority to prevent the sale.

Since Mr. R. came to this city, he has received copies of official letters, establishing the fact that the land purchased by Mr. Baubien was not reserved from sale, to the knowledge of the register or receiver at Chicago. It is true, as the gentleman from Ohio says, the land purchased by Mr. Baubien was very valuable. But, Mr. R. said, there are many more fortunes in Illinois for enterprising and talented individuals. The gentleman from Ohio himself, if he has not a fortune already, can make one in Illinois; and so can any other person of enterprise and temperate habits. Making fortunes in our State is the order of the day; and if Mr. Baubien has been fortunate, hundreds and hundreds more have been, and will be, equally fortunate in the State of Illinois.

Mr. R. hoped the fortunate case of Mr. Baubien would not defeat the heirs of Latham in their rights. He would propose an amendment to this bill, at the proper time, which would go to prevent the claimants from entering with their pre-emption right any mineral land, or the improvement of any actual settler. This last provision is almost useless; as no one dares to enter the improvement of a laboring man, although it may be on the public lands. There would be raised the storms and tornadoes of an insulted people, that would destroy the prospects of gain which might be attempted to be acquired in this manner. Mr. R. remarked, in conclusion, that all he wished was to place the heirs of Latham in the same situation as the act of Congress of the last session found them.

Mr. MAY, in order to give time for a further examination of the subject, moved to postpone the bill and amendment until Friday next; which was agreed to.

The House then resolved itself into a Committee of the Whole upon a number of private bills; and, after spending some time in the consideration of the same, the committee rose, and reported them to the House; after which,

The House adjourned.

MONDAY, FEBRUARY, 29.

SLAVERY IN THE DISTRICT OF COLUMBIA.

The unfinished business of the last petition day, being an appeal taken by Mr. LAWLER from the decision of the Chair, in reference to instructions moved by the former to the select committee on the subject of the abolition of slavery, was taken up.

The CHAIR stated the question. Under the decision of the House, the Chair was of opinion that, upon the presentation of an abolition petition, it was, under the resolution of Mr. PINCKNEY, virtually committed, without further question. The Chair felt bound to conform to the order of the House, and therefore decided that the instructions moved were not in order. From that decision an appeal had been taken; and the question was, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. LAWLER modified the form of his instructions, requiring the select committee to report "that there was no power granted by the constitution to Congress to abolish slavery in the District of Columbia."

The CHAIR decided that, under the order of the House, the modified instructions were also out of order.

From this decision Mr. LAWLER appealed.

The decision of the Chair was opposed by Messrs. LAWLER and W. B. SHEPARD, and advocated by Messrs. MERCER, VINTON, BRIGGS, and PATTON; when Mr. LAWLER withdrew his appeal.

The SPEAKER now proceeded to call for petitions and memorials, commencing with Massachusetts; when several petitions and memorials were accordingly presented.

The hour of one having arrived, on motion of Mr. CAMBRELENG, the special orders were postponed for the purpose of calling the remainder of the States for petitions.

Petitions and memorials were then further presented.

Mr. GRANGER presented a petition for the abolition of slavery in the District of Columbia, and was proceeding to comment upon the character of the petitioners.

The SPEAKER said it was not strictly in order, if it was an abolition petition, to discuss the character of the petitioners.

Mr. GRANGER further proceeded.

Mr. CHAPIN called him to order.

Mr. WISE inquired whether it was not in order for a member to speak of the character of the petitioners, on presenting a memorial.

The SPEAKER said it was not strictly in order, as all abolition petitions were to be referred, without debate, under the resolution adopted by the House; and the standing rule admitted only of a brief statement of the contents of the petition on the presentation thereof.

The petition was then received and referred, under the resolution.

Mr. CLARK presented the memorial of a public meeting of sundry citizens of Dauphin county, Pennsylvania, held at Harrisburg, praying Congress to make an appropriation for the purpose of removing to the coast of Africa free negroes and manumitted slaves; and that if, in the opinion of Congress, the constitution should not authorize the appropriation, such measures may be taken to procure an amendment of that instrument as may be calculated to ensure the objects of the memorialists.

Mr. C. moved that the memorial be referred to a select committee, and printed.

Mr. PATTON moved to lay the memorial on the table, together with the motion to print and commit.

Mr. CLARK called for the reading of the memorial; which was done.

A debate being likely to arise upon the memorial, it was, under the rule, laid over to Monday next.

Mr. PATTON submitted certain resolutions of the Legislature of Virginia, on the subject of abolition, which he moved be referred to the Committee on the District of Columbia, with the following instructions: "That the resolutions be referred to the Committee on the District of Columbia, with instructions to report forthwith the resolutions:

1. *Resolved*, That Congress has no constitutional power to abolish slavery in the District of Columbia or in the Territories of the United States.

2. *Resolved*, That any act of Congress, having for its object the abolition of slavery in the District of Columbia, or the Territories of the United States, ought to be regarded as affording great cause of alarm to the slaveholding States, and bringing the Union into imminent peril."

The CHAIR decided that the instructions were not in order, and that the resolutions of the Virginia Legislature, under the order of the House, must go to the select committee raised upon the resolution of Mr. PINCKNEY.

Mr. PATTON appealed from the decision of the Chair, on the ground that the instructions submitted by him were not identical, and went further in their principle, as applying to the Territories of the United States, than the resolution of Mr. PINCKNEY, which was limited in its operation to the subject of the abolition of slavery in the District of Columbia and the States. Mr. P. also contended that the decision of the House, in reference to Mr. PINCKNEY's resolution, did not apply to the instructions moved by himself, for the same reason, that the object was not the same.

Mr. WISE also opposed the decision of the Chair in this instance, admitting it to be correct under the order of the House, and the decision of the House on Tuesday last, on which the Chair's decision was founded; and appealed to the House to reverse that vote, by which the Chair considered itself imperatively governed. Mr. W. was several times called to order by the Chair, for remarks not pertinent to the question of order then before the House, upon the last of which occasions Mr. W. said that the Chair, in calling him to order, merely expressed his opinion. Entertaining a different opinion, he (Mr. W.) should continue the course of his remarks, unless the Chair should appeal to the House to decide between them.

The CHAIR said the gentleman must resume his seat, and it was for the House to decide whether he should proceed, as intimated.

Mr. MASON, of Virginia, moved that leave be granted to Mr. WISE to proceed.

Mr. CALHOON, of Kentucky, asked for the yeas and nays; which were ordered.

Mr. WISE appealed from the decision of the Chair, that he (Mr. W.) was out of order.

The SPEAKER said that the latter appeal must be decided without debate.

Mr. WISE rose, and was about addressing the Chair, but was called to order by various members. He continued in his position until he had announced his determination to withdraw his appeal from the decision of the Chair.

The CHAIR. The decision of the Chair is then acquiesced in by the member from Virginia, and the question to be determined is the motion to permit the gentleman to proceed.

The question was taken by yeas and nays, as follows:

YEAS—Messrs. Chilton Allan, Bell, Borden, Bouldin, Bunch, John Calhoon, Campbell, Carter, John Chambers, Chapman, Nathaniel H. Claiborne, Coles, Corwin, Craig, Cushing, Darlington, Deberry, Dickson, Dromgoole, Evans, Everett, Forester, French, James Garland, Rice Garland, Glascock, Graves, Grennell, Griffin, Hannegan, Hard, Hardin, Harlan, Albert G. Harrison, Hazeltine, Holsey, Howell, Ingersoll, Jenifer, Henry Johnson, Lawler, Luke Lea, Love, Loyall, Lyon, Martin, John Y. Mason, McCarty, McComas, McKay, McKennar, Mercer, Milligan, Morgan, Morris, Patton, James A. Pearce, Pettigrew, Peyton, Pickens, Pinckney, Reed, Roane, Robertson, Rogers, William B. Shepard, Shields, Sloane, Spangler, Standefer, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, White, Lewis Williams, Sherrod Williams—78.

NAYS—Messrs. Adams, Ash, Ashley, Bailey, Banks, Barton, Bean, Beardsley, Beaumont, Bond, Boon, Boyd, Briggs, Brown, Bynum, Cambreleng, Carr, Casey, G. Chambers, Chaney, Chapin, Connor, Cramer, Crane, Cushman, Davis, Dickerson, Fairfield, Farlin, Fry, Philo C. Fuller, Galbraith, Gillet, Grantland, Haley, Joseph Hall, Hamer, Samuel S. Harrison, Hawkins, Henderson, Hoar, Howard, Hubley, Huntington, Ingham, Jabez Jackson, Janes, Jarvis, Richard M. Johnson, Cave Johnson, B. Jones, Judson, Kennon, Kilgore, Klingensmith, Lane, Lansing, Lawrence, Gideon Lee, Joshua Lee,

Thomas Lee, Leonard, Lincoln, Logan, Lucas, Abijah Mann, Job Mann, William Mason, Moses Mason, Samson Mason, May, McKeon, McKim, McLene, Miller, Montgomery, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, Potts, John Reynolds, Schenck, Shinn, Sickles, Smith, Sutherland, Taylor, John Thomson, Toucey, Turrill, Vanderpoel, Ward, Wardwell, Webster, Weeks, Whittlesey—100.

So the House determined that Mr. Wise should not be permitted to proceed.

Mr. HOLSEY addressed the House in opposition to the decision of the Chair; but, before he concluded, he gave way to

Mr. FRENCH, who, in order to give an opportunity of calling the remainder of the States for petitions, moved to postpone the point of order, and the question connected with it, until Monday next.

Mr. PATTON proposed to-morrow; and, also, that it be made the special order of that day.

Mr. FRENCH had no objection to the latter motion.

Messrs. CAMBRELENG and LANE simultaneously moved to postpone the subject to Monday next.

Mr. WILLIAMS, of Kentucky, moved to postpone until the 1st of July.

Mr. PATTON called for the yeas and nays on the latter motion; which were ordered.

Mr. WILLIAMS then withdrew his motion.

Mr. ROBERTSON asked for the yeas and nays on the motion to postpone until Monday next; which were ordered.

Mr. PINCKNEY inquired what would be the effect of the previous question.

The CHAIR said the question would be on the appeal rom the decision of the Speaker.

Mr. PINCKNEY then moved the previous question; which was seconded: Ayes 93, noes 65.

Mr. EVANS moved an adjournment. Lost.

Mr. PATTON asked for the yeas and nays on the previous question; which were ordered, and were as follows:

Yeas—Messrs. Adams, Heman Allen, Ash, Ashley, Banks, Barton, Bean, Beardsley, Beaumont, Boon, Borden, Boyd, Brown, Bynum, Cambreleng, Carr, Casey, Chaney, Chapin, Coles, Connor, Craig, Cramer, Crane, Cushman, Darlington, Davis, Denny, Dickerson, Doubleday, Dunlap, Fairfield, Farlin, Fry, Philo C. Fuller, Galbraith, Gillet, Grantland, Haley, Hamer, Hannegan, Harper, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Henderson, Hiester, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Leonard, Logan, Love, Lucas, Abijah Mann, Job Mann, William Mason, Moses Mason, Samson Mason, May, McKeon, McKim, McLene, Miller, Montgomery, Moore, Owens, Page, Parker, Patterson, Dutee J. Pearce, Phelps, Pinckney, John Reynolds, Schenck, Shinn, Sloane, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Ward, Wardwell, Webster, Weeks, Sherrod Williams—107.

Nays—Messrs. Chilton Allan, Bailey, Bond, Bouldin, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, John Chambers, Chapman, Nathaniel H. Claiborne, Corwin, Cushing, Deberry, Dickson, Dromgoole, Evans, Everett, Forester, French, James, Garland, Rice Garland, Glascock, Granger, Graves, Grennell, Griffin, Hiland Hall, Hardin, Hazeltine, Hoar, Holsey, Howell, Ingersoll, Janes, Jenifer, Henry Johnson, Lawler, Lawrence, Luke Lea, Lincoln, Loyall, Lyon, Martin, John Y. Mason, Maury, McCarty, McComas, McKay, McKennan, Mercer, Milligan, Morgan, Morris, Patton, James A. Pearce, Pettigrew, Peyton, Pickens, Potts, Reed, Roane, Robertson, Russell, William B. Shepard, Shields, Spangler, Standefer, Storer, Taliaferro, Waddy Thompson, Towns, Underwood, Vinton, Whittlesey, Lewis Williams, Wise—79.

So the House determined that the main question be now put.

The question, "Shall the decision of the Chair stand as the judgment of the House?" was then propounded.

Mr. PATTON called for the yeas and nays; which were ordered.

Mr. WILLIAMS, of North Carolina, moved an adjournment; which was negatived.

The question was then taken on the appeal from the decision of the Chair, by yeas and nays, as follows:

Yeas—Messrs. J. Q. Adams, Chilton Allan, Heman Allen, Ash, Ashley, Bailey, Banks, Bean, Beardsley, Beaumont, Bond, Boon, Boyd, Briggs, Brown, Bynum, William B. Calhoun, Cambreleng, Carr, Casey, Chaney, Chapin, Clark, Cleveland, Coles, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Darlington, Davis,, Deberry, Denny, Dickerson, Doubleday, Dunlap, Evans, Everett, Fairfield, Farlin, Fry, Philo C. Fuller, Galbraith, Gillet, Granger, Grantland, Grennell, Haley, Hiland Hall, Hamer, Hannegan, Harper, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Hiester, Hoar, Howard, Howell, Hubley, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Janes, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawrence, Gideon Lee, Leonard, Lincoln, Logan, Love, Lucas, Abijah Mann, Job Mann, William Mason, Moses Mason, Samson Mason, May, McCarty, McKay, McKennan, McKeon, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Moore, Morgan, Morris, Owens, Page, Parker Parks, Patterson, Dutee J. Pearce, Phelps, Pinckney, Potts, Reed, John Reynolds, Roane, Rogers, Russell, Schenck, Shinn, Sloane, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Vinton, Ward, Wardwell, Webster, Weeks, White, Whittlesey, Sherrod Williams—143.

Nays—Messrs. Bouldin, Bunch, John Calhoon, Campbell, Carter, John Chambers, Chapman, Nathaniel H. Claiborne, Connor, Dickson, Dromgoole, French, James Garland, Rice Garland, Glascock, Graves, Griffin, Hardin, Holsey, Henry Johnson, Lawler, Luke Lea, Loyall, Lyon, John Y. Mason, Maury, McComas, Patton, James A. Pearce, Pettigrew, Peyton, Pickens, Robertson, William B. Shepard, Shields, Spangler, Standefer, Taliaferro, Waddy Thompson, Wise—40.

So the House sustained the decision of the Chair, and consequently determined that the motion of Mr. Patton to refer the resolutions of the Legislature of Virginia, on the subject of abolition, to the Committee on the District of Columbia, with instructions, was not in order, and that they must be referred to the committee raised under the resolution of Mr. Pinckney, conformably to a decision made by the House on the same subject on Tuesday last.

Mr. PATTON asked if he could withdraw the resolutions.

The CHAIR replied that he supposed the gentleman might withdraw them.

Mr. PATTON. I do withdraw them, then.

Mr. MASON, of Virginia, said he was about to suggest to his colleague a different course. He proposed to ask the consent of the House to suffer these resolutions to take the usual course, and be laid on the table and printed.

Mr. ADAMS objected to the withdrawal of the resolutions, as it would counteract an order of the House.

The CHAIR then stated that he was compelled to say that the resolutions could not be withdrawn without

leave of the House. He had not anticipated that there would be any objection.

Mr. PATTON then moved that the rules be suspended, in order to enable him to withdraw the resolutions, and give them the direction suggested by his colleague.

Mr. JOHN Q. ADAMS asked if the question was debateable.

The CHAIR replied that it was not.

On motion of Mr. BRIGGS, the House then adjourned.

TUESDAY, MARCH 1.

The Clerk proceeded to read the journal of yesterday.

Mr. PEYTON rose, and questioned the correctness of that portion of the journal which recorded the motion of the gentleman from Virginia, [Mr. MASON,] that his colleague, [Mr. WISE,] who had been called to order, be permitted to proceed. Mr. P. stated that the motion was, according to his understanding, that the gentleman from Virginia be permitted to proceed in order; and he moved that the journal be amended accordingly.

After some conversation, in which Messrs. PEYTON, BYNUM, BELL, MERCER, ASHLEY, BOON, MILLER, DROMGOOLE, HOAR, and REED, took part,

Mr. J. Y. MASON explained that his motion was that his colleague "have leave to proceed;" at the same time explaining, in reply to the question of a member near him, that if the gentleman was permitted to proceed, he must proceed subject to the rules of order.

Mr. PEYTON withdrew the motion, and moved that the words in the journal be so corrected as to read that the "member from Virginia have leave to proceed," striking out the additional words recorded, "in his speech."

After some words from Messrs. PARKER, ADAMS, and MANN of New York,

Mr. J. Y. MASON stated that he had no recollection of adding the words, "in his speech."

The motion to strike out those words was then agreed to.

Mr. BRIGGS moved to suspend the rules of the House, in order to proceed in the call of petitions, commencing with Virginia, and excluding the consideration of the motion relating to the letter of the Governor of Virginia, presented yesterday; which motion was agreed to.

Petitions and memorials were then presented.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. WISE presented a memorial from an individual named John A. Smith, who represented himself to be a resident of the District of Columbia, protesting against the course of the northern abolitionists in a legal and constitutional argument of some length, and insisting that all abolition petitions should be forthwith rejected.

Mr. W. moved that this paper be referred to the select committee raised on the subject, with instructions to report the following resolution:

"*Resolved*, That Congress has no constitutional power to abolish slavery in the District of Columbia, or in the Territories of the United States."

The CHAIR decided that, on the construction given by the House to its own order, the motion of the gentleman from Virginia, in reference to the instructions, was not in order. He considered the question involved the same principles before acted upon by the House.

Mr. WISE took an appeal from the decision of the Chair, on the ground that the resolution of Mr. PINCKNEY embraced "every paper," and Mr. W's motion, being written, was embraced in that order. It was as much a "paper" as the resolutions and acts of the Virginia Legislature; and he contended that every thing within the vortex of abolition must go to the select committee on that subject. He called upon the House to act consistently, and not to send one set of papers to that committee, and refuse to send another; if the House did refuse to send these instructions, it would act inconsistently.

Mr. W. assured the House that the memorial was a *bona-fide* one, and that he had been requested in a letter from the memorialist, whom he knew not, to present it. Mr. W. then read the letter.

Mr. LANE said that something like six weeks had been expended in the presentation and consideration of memorials and resolutions on the subject of abolition from the North, to the entire exclusion of all petitions and memorials from the western States and Territories. Having, after this protracted period, passed Mason and Dixon's line, it was fondly hoped no further delay would have occurred from this all-exciting subject. In this, it seems, we are mistaken; the firebrands of abolition seem to thicken around us from the South, and threaten equal if not more delay. To avert this storm, and to enable the people of the West to be heard in this House, he would move the previous question; which was seconded, tellers being appointed: Ayes 98, noes 63.

The main question was then ordered to be put, without a count; and, on Mr. WISE's motion, the memorial, resolution, &c., were read at length from the Clerk's table.

Mr. CHAPIN then asked for the yeas and nays on the main question; which were ordered.

The main question, "Shall the decision of the Chair stand as the judgment of the House?" was about to be propounded, when

Mr. ASHLEY asked if the motion to lay the memorial and the motion of the gentleman from Virginia on the table would be in order?

The CHAIR, after a few words from Messrs. CRAIG, WISE, and ADAMS, decided that, under the order of the House, viz: the adoption of Mr. PINCKNEY's resolution, the motion would not be in order.

The main question was then taken, and the vote was as follows: Yeas 163, nays 38:

YEAS—Messrs. Chilton Allan, Heman Allen, Anthony, Ash, Ashley, Bailey, Banks, Barton, Bean, Beardsley, Beaumont, Bockee, Bond, Boon, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, Bynum, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapin, Clark, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Darlington, Davis, Deberry, Denny, Dickerson, Doubleday, Dromgoole, Dunlap, Efner, Everett, Fairfield, Farlin, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Granger, Grantland, Graves, Grennell, Haley, Joseph Hall, Hiland Hall, Hamer, Hard, Hardin, Harper, A. G. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Hiester, Hoar, Holsey, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Jenifer, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Logan, Lucas, Abijah Mann, J. Mann, William Mason, Moses Mason, Samson Mason, May, McCarty, McKennan, McKeon, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, Potts, Reed, Rencher, J. Reynolds, Joseph Reynolds, Roane, Russell, Schenck, Seymour, Augustine H. Shepperd, Shinn, Sickles, Sloane, Smith, Spangler, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Underwood, Vanderpoel, Vinton, Wardwell, Webster, Weeks, Lewis Williams, Sherrod Williams—163.

NAYS—Messrs. Adams, Bell, Bunch, John Calhoon,

William B. Calhoun, Campbell, Carter, John Chambers, Nathaniel H. Claiborne, James Garland, Rice Garland, Glascock, Graham, Grayson, Griffin, Hannegan, Henry Johnson, Lawler, Luke Lea, Loyall, Lyon, Martin, J. Y. Mason, Maury, McComas, James A. Pearce, Pettigrew, Peyton, Phillips, Pickens, Robertson, William B. Shepard, Standefer, Taliaferro, W. Thompson, Towns, White, Wise—38.

[Mr. PHILLIPS, upon being called, rose and said: If it be the decision of the Chair that it is not in order to move the reference of a petition to a committee already appointed upon the subject to which the petition refers, with instructions to that committee not conflicting with, but in addition to, instructions already given, I vote in the negative.

The CHAIR stated the decision, and Mr. PHILLIPS voted in the negative.]

So the House determined that the decision of the Chair shall stand as the judgment of the House, and the memorial was consequently referred to the select committee on the subject of abolition, but without the instructions.

Mr. WISE then rose to present certain joint resolutions of the Legislature of Virginia, on the subject of the abolition of slavery, and was proceeding to read them, when

Mr. BROWN rose to a question of order. He desired to know whether the rules of the House had not been suspended merely for the purpose of presenting memorials and petitions, and whether these resolutions came under that character?

The CHAIR replied that it had always been usual to present joint resolutions of State Legislatures when the States were called for petitions and memorials, and under that rule these resolutions were in order.

Mr. PARKS begged to inquire of the gentleman from Virginia, whether a similar paper had not been presented by another member from Virginia [Mr. PATTON] yesterday. And, if it were the same, he would inquire of the Chair if it was in order to present the same paper twice?

The CHAIR replied that it was not in its power to say whether these resolutions were the same or not, until they were sent to the Chair for examination.

Mr. WISE replied that the gentleman from Maine could not make that point of order until he knew whether the paper was the same or not, but he would answer the gentleman's inquiry by reading the paper itself.

Mr. W. then proceeded with the reading of the resolutions; and, on concluding, remarked that he had done his duty by submitting them to the House, but he should not present them, to be carried to the select committee.

Petitions, memorials, and resolutions, were then further received, which occupied the remainder of the day till the hour of adjournment.

WEDNESDAY, MARCH 2.

Mr. DENNY, by consent, submitted a motion to print 5,000 extra copies of the report of the Franklin Institute of Pennsylvania, on the subject of the explosion of steam boliers, transmitted to the House yesterday by the Secretary of the Treasury.

The CHAIR said the motion must, under the rule, lie over one day.

Mr. DENNY moved to suspend the rule, in order to consider his motion at that time; which was agreed to: Ayes 88, noes 44.

Mr. PARKS said a copy of this report had just been laid on their tables. No opportunity had been afforded to examine it, or to ascertain whether it was of any value, when a motion was made and pressed to print an extra number of copies. He was opposed, under the circumstances, to forcing the motion though the House at this time.

Mr. WILLIAMS, of North Carolina, moved to postpone the motion until to-morrow; which was agreed to: Ayes 70, noes 64.

CONTESTED ELECTION.

The report of the Committee of Elections, on the contested election from North Carolina, came up as the unfinished business of the morning hour of yesterday.

The question pending was the amendment of Mr. MANN, of New York, proposing to make the report the special order for Tuesday next, instead of Wednesday, (this day,) as moved by the Committee of Elections.

Mr. HARD said, with a view to have the House extend the usual courtesy to the petitioner, and understanding it to be the usual course, he moved that the petitioner, David Newland, have a seat assigned him on the floor of the House, and that he have leave to address it in his own behalf.

Mr. BYNUM was sorry the gentleman had made the motion. A similar motion had been made a few days ago, by one of the majority of the Committee of Elections. That motion was, that the petitioner have leave to be heard on the floor of the House, by himself or by counsel. As the gentleman representing the minority of the committee had made the motion in a somewhat different form, he hoped he would accept an amendment. Mr. B. then moved an amendment, that the petitioner be heard, on the main question, by himself or by counsel.

Mr. HARD said he had consulted both the majority and minority of the committee, in relation to the suggestion of the gentleman from North Carolina, [Mr. BYNUM,] and he could not accept the amendment of that gentleman.

Mr. MANN, of New York, said, by leave of the gentleman from North Carolina, [Mr. BYNUM,] and his colleague, [Mr. HARD,] he would submit a motion which he conceived would meet the views of both those gentlemen. Mr. M. then moved that the petitioner, David Newland, have leave to appear, and also that he have leave to address the House on the subject of his petition.

Mr. HARD accepted the motion of the gentleman from New York, [Mr. MANN.]

Mr. BYNUM did not understand the motion precisely. If it extended only to the preliminary question, he must object to it. His object was to have the petitioner heard on the main quesion.

Mr. MANN replied that embraced the hearing of the petitoiner himself in every stage of the question, but not the hearing of him by counsel.

Mr. McKAY said the request of a petitioner, in the case of a contested election, to be heard by counsel, had never, he believed, been refused, when asked for. He cited the case from Georgia, of General Jackson and General Wayne, where one of the parties, not being a lawyer, was heard by counsel. He also cited the case of a contested election from the State of Virginia, where the petitioner was heard by counsel. He therefore hoped, if the petitioner was desirous of being heard by counsel, that he would not be refused the privilege. He believed such application had never been refused, when asked.

Mr. DAVIS thought the motion should be, that the petitioner be permitted to address the House himself on the preliminary question, and by counsel on the main question, if he desired it.

Mr. HARDIN said he was in the House when there had been two cases of contested elections before it, and he had never heard even an application for counsel. When a man was brought before the House, charged with having committed an offence, then he would grant him

counsel. Such had been the course in the case of General Houston. Here, however, was a member from North Carolina, who had been qualified, and was acting as a member of the House; another person contests his election; they were to go by the depositions in the case, and make up their minds from them, and not from the arguments which might be made. They were called upon to settle a great constitutional question, and the constitution gave to them the exclusive jurisdiction over that matter. They were the judges. When they were settling great national principles, growing out of the election of members, where was the difference between that and settling great national principles upon any other subject? And had it come to this, that they were to have lawyers brought into that House to assist them out in their deliberations! He did say it is a disparagement of that class of men, for he himself was one of the profession. But he would as lief hear any other set of men speak, as that profession; because, when they spoke as lawyers, they would argue for an hour to distinguish between the south and southwest side of a hair. He would ask his honorable friend from North Carolina, [Mr. BYNUM,] whether there was not some hundred lawyers on that floor, any of whom might compare with the lawyer who might be brought there as counsel for the petitioner; and were they not disposed to do him justice—strict, full, and ample justice? He recollected that in the contested election year before last, each of the parties had lawyers to advocate his cause, and he had no doubt it would be the case on the present occasion. He had no doubt, if there was to arise any difficulty, lawyers, enough would be found in the House to engage on both sides. Was a lawyer to be introduced on that floor, because the gentleman petitioning was not a lawyer? He hoped not.

Mr. BROWN begged to make an inquiry before he voted upon the question. He wanted to know if this motion, that the petitioning member have leave to appear by counsel, was made upon his authority and at his request? If such was the fact, he should hardly feel himself at liberty to refuse an application so just and reasonable. A resolution of that kind might be necessary, to place the petitioner upon something like a footing of equality with the sitting member. There was no petition for leave to appear by counsel, and it might be that the gentleman claiming the seat did not desire any such privilege. He might be willing to trust his claims to their own merits, to his own efforts, and the efforts of such friends as he might find upon this floor. He therefore begged that the honorable gentleman who made the motion would furnish the House with this necessary information.

Mr. PEARCE, of Rhode Island, said he felt authorized in saying that, from the foundation of the Government to the present time, whenever either of the parties in a contested election requested to be heard by counsel, it was granted him. He cited the case from Georgia, of General Jackson and General Wayne, in which one of the parties had been heard by counsel. The gentleman from Kentucky [Mr. HARDIN] had taken the ground that there were lawyers enough in the House to advocate the claims of either of the gentlemen. They ought not to act on the supposition that one half would go on one side, and the other half on the other. If a gentleman who is not blessed with the faculty of debating wishes to be placed on an equal footing with the other, let him have some person to do for him what he cannot do for himself. Neither ought they to go upon the ground that every gentleman would read over the whole of the testimony, and examine into it; then, how could one claimant be on an equal footing with the other claimant, unless he be heard by counsel? It might be necessary to collate the testimony, and make a synopsis of the case; then, if counsel be necessary, let it be furnished.

Mr. CONNOR stated that he was authorized by the petitioner himself to say he only desired a seat on the floor to be heard; and that he did not desire counsel. He therefore hoped his colleague [Mr. BYNUM] would withdraw his motion.

Mr. BYNUM begged leave to set the gentleman from Kentucky, [Mr. HARDIN,] who spoke from memory, right. The cases which he was about calling attention to were not from memory. He then read the case of a contested election from New Jersey, in 1789, in which Mr. Madison advocated the hearing of the petitioner by counsel, and the petitioner was heard by counsel. He cited another case in 1804, in which a petitioner was heard by counsel. He mentioned those, as additional evidence in support of those already mentioned. There were other cases which might be enumerated; and, in the whole book of elections, there was not an instance where counsel had been denied when asked for; and he was sorry to hear such sentiments come from the gentleman from Kentucky, who represented a farming people. And were the farming people not to be heard by counsel on constitutional questions? It was doing injustice to that people to exclude them from having counsel in that House. He wished to reply to some remarks which fell from the gentleman from Pennsylvania, [Mr. MCKENNAN,] the other day. That gentleman did not know Mr. B., and he must be permitted to tell that gentleman, when he became acquainted with him, he would be among the last members in that House whom he would attempt to misrepresent. The gentleman from Pennsylvania was reported to have said, "that it was with no little surprise and regret that he heard the gentleman from North Caralina [Mr. BYNUM] yesterday declare his opinion that the sitting member was not entitled to his seat, although no opportunity had been afforded for the examination of the case." Mr. B. asked the House and the honorable gentleman if he had made such declaration? In reply to some remarks which had fallen from his two colleagues on that subject, he did make use of the following words, as he distinctly recollected: "he himself was not decided on the subject; he wanted to have more light, as well as the gentleman himself; but from what he had understood, if he might be permitted to express an opinion, he was predisposed to believe that the sitting member was not entitled to his seat." The gentleman from Pennsylvania had put words in his mouth which he had never said. When some gentlemen have not subject-matter to make a display of parliamentary talents, they fancy some monstrous object, to show themselves off to advantage. Mr. B. said he had not made such a statement, and the attributing it to him was gratuitous.

Mr. McKENNAN said he would be the last man who would attempt to misrepresent any gentleman. But as to what he had stated, he submitted it to the House to say whether there was any material difference between what he had said and the language admitted by the gentleman himself. He had said that he had not means of examining into the case; and as other gentlemen had not had an opportunity to do so, he only said that gentlemen ought not to prejudge it. As impartial jurors, they would be called upon to decide the case, and they should do so without any predisposition of it.

Mr. BYMUM rose to reply, but his remarks were arrested by the expiration of the hour.

The CHAIR announced the special orders, being the appropriation bills.

Mr. HARDIN moved to suspend the rules, in order to proceed with the preliminary discussion on the contested election.

Mr. CAMBRELENG was compelled to ask for the

yeas and nays on the motion to suspend the rules. The public interest was suffering in consequence of the delay in the passage of the appropriation bills, and he could no longer remain quiescent.

The yeas and nays were ordered, and were: Yeas 66, nays 132.

So the House refused to suspend the rules.

PORTUGUESE DUTIES.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

WASHINGTON, *Feb.* 29, 1836.

To the Senate and House of Representatives:

I transmit a report of the Secretary of State, communicating an application from the chargé d'affaires of Portugal for the passage by Congress of a special act abolishing discriminating duties upon the cargoes of Portuguese vessels imported into the United States, from those ports of the dominions of Portugal in which no discriminating duties are charged upon the vessels of the United States or their cargoes, and providing for a return of the discriminating duties which have been exacted upon the cargoes of Portuguese vessels thus circumstanced, since the 18th of April, 1834.

I also transmit a copy of the correspondence which has taken place upon the subject, between the Department of State and the chargé d'affaires of Portugal.

The whole matter is submitted to the discretion of Congress, with this suggestion: that if an act should be passed, placing the cargoes of Portuguese vessels, coming from certain ports of the territories of Portugal, on the footing of those imported in vessels of the United States, in deciding upon the propriety of restoring the duties heretofore levied, and the time to which they should be restored, regard should be had to the fact that the decree of the 18th April, 1834, which is made the basis of the present application, took effect in the islands of Madeira and the Azores many months after its promulgation; and to the more important fact, that, until the 1st of February, instant, an indirect advantage was allowed in Portugal to importations from Great Britain, over those from other countries, including the United States.

ANDREW JACKSON.

OHIO AND MICHIGAN BOUNDARY.

Mr. THOMAS, from the Committee on the Judiciary, asked leave to make a report from that committee, on the subject of the application of the Territory of Michigan for admission into the Union, and on the message of the President of the United States, in relation to the disputed boundary line between Ohio and Michigan. Mr. T. explained that he made the request of the House merely that the report and documents should be put in the hands of the public printer, as they would take several days to print, and not to discuss or even read the report at that time.

Mr. BRIGGS objecting,

Mr. THOMAS moved to suspend the rules; which was agreed to.

Mr. T. then presented the foregoing report, accompanied by a bill to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions; which bill was twice read and committed to a Committee of the Whole on the state of the Union.

Mr. T. then gave notice that on to-morrow he should ask leave to move that the bill be made the special order of the day for the 15th of the present month.

SUFFERERS BY FIRE IN THE CITY OF NEW YORK.

The House then took up the "bill for the relief of the sufferers by the fire in the city of New York," which was on its final passage.

Mr. PEARCE, of Rhode Island, concluded his remarks, and addressed the House at length, in opposition to the provisions of the bill.

Mr. LANE, after a few remarks in reply to the last gentleman, demanded the previous question.

Mr. EVERETT hoped the gentleman would not press that motion, after making a speech himself.

Mr. VANDERPOEL moved a call of the House; which was ordered; and, after proceeding some time, it was, on motion of Mr. HOWELL, suspended.

The previous question was then seconded by the House, taken by tellers: Ayes 81, noes 78.

Mr. EVERETT asked for the yeas and nays on the question, "Shall the main question be now put?" which were ordered, and the result was as follows: Yeas 95, nays 110:

YEAS—Messrs. Adams, Heman Allen, Anthony, Ash, Bailey, Barton, Bean, Beardsley, Beaumont, Bockee, Boon, Bovee, Boyd, Brown, Cambreleng, Carr, Casey, Chapin, Childs, Cleveland, Coffee, Connor, Craig, Cramer, Cushman, Darlington, Dickerson, Doubleday, Dunlap, Efner, Fairfield, Farlin, Philo C. Fuller, W. K. Fuller, James Garland, Glascock, Grantland, Haley, Joseph Hall, Hannegan, Hard, Albert G. Harrison, Haynes, Howard, Hunt, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Richard M. Johnson, Cave Johnson, Henry Johnson, Judson, Kennon, Kilgore, Lane, Lansing, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Love, Lucas, Abijah Mann, John Y. Mason, William Mason, Moses Mason, May, McKeon, McKim, McLene, Moore, Muhlenberg, Owens, Page, Parker, Patterson, Phelps, John Reynolds, Joseph Reynolds, Schenck, Seymour, Shinn, Sickles, Smith, Sutherland, Taylor, John Thomson, Turrill, Vanderpoel, Ward, Wardwell, Webster—95.

NAYS—Messrs. Chilton Allan, Ashley, Banks Bell, Bond, Borden, Bouldin, Briggs, Buchanan, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chaney, Chapman, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Davis, Denny, Dromgoole, Evans, Everett, Forester, French, Fry, Galbraith, Rice Garland, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hamer, Hardin, Harlan, Harper, Samuel S. Harrison, Hawkins, Hazeltine, Henderson, Hiester, Hopkins, Howell, Ingersoll, Janes, Jarvis, Jenifer, Joseph Johnson, John W. Jones, Benjamin Jones, Klingensmith, Lawler, Lawrence, Luke Lea, Lincoln, Logan, Loyall, Lyon, Job Mann, Martin, S. Mason, Maury, McCarty, McComas, McKay, McKennan, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Parks, Patton, Dutee J. Pearce, James A. Pearce, Peyton, Phillips, Pickens, Potts, Reed, Rencher, Roane, Robertson, Russell, Augustine H. Shepperd, Shields, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Thomas, Waddy Thompson, Turner, Underwood, Vinton, Weeks, White, Whittlesey, Lewis Williams, Sherrod Williams—110.

So the House determined that the main question shall not be now put; and the effect of the vote was to put the subject from before the House this day.

NAVAL APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. MILLER in the chair, and resumed the consideration of the bill making appropriations for the naval service for the year 1836.

The question pending was the motion of Mr. BELL to reduce the item for the improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, one half, viz: from $67,000 to $33,500.

Mr. THOMPSON, of South Carolina, took the floor, and addressed the Chair as follows:

Mr. Chairman: I regret, sir, that these appropriations are presented under circumstances which make it impossible for me to vote for them. They may be, to a certain extent, necessary and proper. I cannot say that even the inclination of my mind is against them; but coming before us as they do, not in the usual routine, after an investigation of the subject and a report from the Naval Committee, but in a bill reported by the Committee of Ways and Means, I cannot vote for them. Instead of a bill providing for the general maritime defence of the country, the whole country, based upon evidence, reports, and estimates, from the proper sources, presenting one general system, equal and just, we are called upon to act in detail, upon detached, minute, and separate members. I cannot doubt that all the materials are at hand, and that there are officers capable of digesting such a plan. Why is it not done? What is the pressing exigency by which we are required in such haste to act on these particular navy yards? Why is it that the appropriations for these yards are thus pressed upon us, and brought up in this unusual mode, when the application for a yard at Pensacola, more important than any of them, and in my judgment of as much importance as all of them put together, is condemned to the usual but dilatory course of a reference to the Naval Committee. Whenever, sir, such a plan as I have suggested is presented, I am willing to appropriate as much money as can be wisely and economically expended; and if something like justice is done to the South and West, I shall not be over-captious as to the greater magnitude of the appropriations to the North. Until that is done, I will not vote one farthing: I will not vote these appropriations, and then take the chances for our own. No, sir, it is a common board, at which all must sit down, or none. I will not wait for the second table, and take the fragments which may be left by appetites which I will not call voracious, but which I shall show are not very easily satisfied.

The items of appropriation now under consideration are taken without the change of a letter or figure from the report of the Secretary of the Navy. I therefore take it for granted that the other recommendations of the Secretary, in immediate connexion with this subject, will in due season also be presented to us. I have only to regret that they are not all under consideration at once. It may, however, have been prudent to give them to us in broken doses. I shall, however, take leave to advert to all of them in this discussion; I will endeavor to collect these scattered sweets, and I am utterly mistaken in the force of truth, if the result does not astonish this House and this nation.

Expecting, as I do, sir, the aid and co-operation of very many honorable members who are attached to the administration party, I shall endeavor, as far as practicable, to avoid even the imputation of making this unnecessarily a party question. Its importance rises infinitely higher than any such considerations. I have no motive to do so. The President of the United States is rapidly passing from the stage of public action, and is about to assume his station in history. I will not anticipate what that station will be; I feel that I am not an impartial judge. I cannot forbear to express the happiness which I feel, that we are called upon to act upon this important subject, free from the extraneous and exciting influence of the prospect of a collision with France. I can now vote money for permanent and progressive works, which, under such an apprehension, I would have husbanded for men and ships; and, sir, I will not disguise that the adjustment of our differences with France affords me a personal, a selfish satisfaction, as justifying remarks heretofore made, that I saw in the course of France nothing of threat or intimidation, but every thing of conciliation, even of kindness. Through the magnanimous interference of England, that controversy is now settled--magnanimous (if disinterested) beyond any thing in history. Our maritime frontier may properly be divided into three sections. 1. From Maine to the Capes of Virginia, denominated the north Atlantic. 2. From the Capes of Virginia to Florida point, the south Atlantic. 3. From Florida point to the Sabine, or the Gulf frontier. From the Capes of Virginia to Maine is less than one-third of the whole frontier, and the country dependent upon it less than one-fifth of the territory of the United States. I will endeavor to show, from the report of the Secretary of the Navy, and other measures before the House, how much it is proposed to appropriate to these sections, respectively. I am aware, sir, that I am entering upon an invidious duty. I hope that it is not my nature to be over-querulous or jealous. I know that I should not properly represent those who send me here, if I were to scrutinize too nicely the measures of disbursement to the different sections of our common country--a disbursement necessarily unequal, to a certain extent. I trust, sir, for my apology, to the facts which I will develop.

Sums specifically estimated for the navy yards on the north Atlantic:

Pay of officers and others.

Portsmouth,	$23,739 75
Boston,	53,537 75
New York,	53,537 75
Philadelphia,	29,437 75
Washington,	29,783 75
Norfolk,	53,687 75
Baltimore station,	7,362 50
Sackett's harbor,	1,000 00
Washington, on general duty,	5,000 00
Total of north Atlantic,	$256,362 00
Charleston,	$7,689 75
Pensacola,	29,489 75
Total of south Atlantic and Gulf,	$37,179 50

Improvement and repair of navy yards.

Portsmouth,	$67,000 00
Boston,	199,575 00
New York,	84,300 00
Philadelphia,	11,750 00
Washington,	37,500 00
Norfolk,	167,000 00
North Atlantic,	$567,125 00
South Atlantic, nothing,	
Gulf of Mexico,	64,000 00

Additional improvement of navy yards.

Portsmouth,	$100,000 00
Boston,	550,000 00
New York,	1,450,000 00
Philadelphia,	60,000 00
Washington,	65,000 00
Norfolk,	1,000,000 00
Total of north Atlantic,	$3,225,000 00

South Atlantic. How much do you suppose, sir? You would never guess. I will tell you: Nothing, sir, nothing.

Whole Gulf frontier, - - -	$275,000 00

I would forbear to remark upon these separate points until I had presented the whole, but I cannot. Is there any one man whose sense of justice does not revolt at this? One-third of the frontier and one-fifth of the territory is to receive, for one item of expenditure, $3,225,000; another section, more than equal in extent of coast and territory, to receive nothing; and against this enormous sum appropriated to this small section you have $275,000 to the other four-fifths. Can any people bear this--ought any people to bear it; from a Government, too, under the most sacred obligations so distribute, as equally as practicable, its burdens and its benefits?

I will now give you the estimates, the expenditures of which must principally be made on the north Atlantic:

Provisions, - - - -	$560,000 00
Repairs of vessels in ordinary, - -	950,000 00
Medicines, - - - -	40,000 00
Ordnance stores, - - -	50,000 00
Miscellaneous items, - - -	295,000 00
Contingences, - - - -	3,000 00
Pay of officers of receiving vessels at Boston, New York, Philadelphia, Baltimore, and Norfolk, - - -	63,683 50
Pay of officers at five recruiting stations, the same above named, - -	37,750 00
Annual increase of the navy, expended, of course, at the northern navy yards,	500,000 00
Completing steam vessels at New York,	150,000 00
Building three steam vessels, of course at some northern yard, - -	675,000 00
Hospitals at New York and Boston, -	45,410 00
Coast survey, confined to north Atlantic,	80,000 00
Powder magazines at New York and Boston, - - - -	19,200 00
Total, - - - -	$3,599,043 50

RECAPITULATION.

Pay of officers and soldiers, - -	$256,362 00
Improvement and repair of yards, -	567,125 00
Additional improvement of yards, -	3,225,000 00
General estimates, - - -	3,599,043 50
Total north Atlantic, - -	$7,547,530 50
Pay of officers at Charleston and Pensacola, - - - -	$37,199 50
Improvement of the navy yard at Pensacola, - - - -	64,000 00
Additional improvement of do. do. -	275,000 00
Powder magazine at Pensacola, - -	17,000 00
Total for south Atlantic and Gulf of Mexico,	393,199 50
Gross specific appropriations for north Atlantic, - - - -	7,547,530 50
To which may be added the amount of the bill on the table for finishing ships, &c., of course at northern yards, -	2,000,000 00
	9,547,530 50
To which may be added the following, which must be incidentally applied to north Atlantic: Pay of officers and men,	1,974,338 91
Pay of superintendents, naval contingencies, and civil establishments of yards,	68,540 00
	2,042,878 91
From which deduct amount expended on Gulf of Mexico, say - - -	$150,000,00
	1,892,878 91
Total for north Atlantic, -	$11,440,409 41
South Atlantic and Gulf, - - -	$393,179 00
Amount incidentally expended on Gulf,	150,000 00
	$543,179 00

To which, sir, allow me to add the proposed appropriations for fortifications, which give to this same favored section $2,326,000, and $170,800 to the remaining four-fifths.

It stands thus:

Naval appropriations on north Atlantic, - - -	$11,440,409 41
Fortifications, - - - -	2,326,000 00
	13,766,409 41
Whole south Atlantic and Gulf:	
Naval appropriations, - - -	$543,179 00
Fortifications, - - - -	170,800 00
	$713,979 00

One-fifth of the country receives appropriations at about the rate of two millions to every hundred thousand given to the remaining four-fifths. These, Mr. Chairman, are facts depending on figures, about which I think there can be and is no mistake. If there be any error, I am happy to know that I shall be corrected, and no one be misled by me. Are they not appalling facts? Do they not demand the solemn consideration of the people of the South and West? Is this terrible inequality unavoidable? Is there any thing in the circumstances of the two sections, natural, social, or political, which causes it, and for which there is no remedy? I sincerely hope not, I believe not. If I were to say otherwise, I should feel that I had entitled myself, for the first time, to a name often unjustly applied to me--that of disunionist. Sir, if this be true, it never was designed, it cannot come to good, that two people, with interests so incompatible, should remain together. If, sir, there is no remedy for all this; if you announce, by a perseverance in this course of legislation, that this state of things must continue, one section almost exclusively to pay taxes, and another to receive them; that the relation of the South and West to the North is to be forever that of tribute-payers to tribute-receivers, of colonies to a mother country, ay, sir, to a step-mother country, and that this is our irreversible destiny, the result of causes inherent, permanent, you have not only started the strands of the Union, you have dissolved it. Sir, a union of States such as ours, like the relation of private friendship, to be honorable or lasting, must be one of the most perfect, the proudest equality. The moment you announce that we of the South and West must pay in dollars and cents for the honor and advantages which we derive from this union, the honor of benig day after day denounced in the hall appropriated to our common legislation as robbers and land-pirates, and the advantage of paying one-fourth of our income as tribute to another section, you announce that this Government is one which no man from the South or West could desire to perpetuate, but one who was born to be a slave, and deserves his destiny.

Mr. Chairman, I am aware that these are unwelcome truths. I know, sir, that any allusion to these topics is not very graciously received, coming from one of that calumniated party to which it is my pride to belong; but,

sir, they are truths which every consideration of duty compels me to utter. The attachment, sir, of the whole South to this Union is a wise, deep, and abiding attachment. It is one of the first articles of our political faith; not the very first; no, sir, we prize liberty more. It is a mater of political religion, almost superstition. It is an affair of combined principle and sentiment; one of those subjects in which all the colder calculations of the head are quickened and invigorated by all the impulses of the heart.

In the general, it is true that, when money is once brought into the Treasury, it belongs to the whole country, and too strict an inquiry should not be instituted whence it comes; but when such a monstrous inequality of disbursement is discovered, the inquiry is natural, where is this money levied? A plain, honest man would naturally suppose that, of course, it came chiefly from the region upon which it is so lavishly, so profusely disbursed. Let us make this inquiry, and according to the result will this seeming and most revolting enormity be mitigated or aggravated. Is it, can it be true that this favored region, which receives at the rate of at least forty to one in comparison with the rest of the country, does not pay more, does not pay as much, does not even pay one-third as much, as its fair proportion of the public revenues? How, sir, is our revenue raised? First, by duties on imports. How is it that the foreign merchandise is brought to us upon which these duties are paid? Because we can pay for it. Let our ability to pay cease, and it will cease to come. Credit between nations, which is only an aggregate of the credit of individuals, cannot outlast the ability to pay. In what is this foreign merchandise paid for? In the rice, cotton, and tobacco, of the South and West. Abstract these, and can the commerce continue? The northern section of our country has nothing, in comparison, which will serve the purposes of foreign exchanges. The people of that region have often declared that they cannot contend, even in our own markets, without discriminating duties. How could they meet, on even disadvantageous terms, foreign competition? I may be told that much of this money is collected at the North, New York, for instance. It is collected there, but it does not follow that the tax is levied there. People are generally very willing to relinquish the privilege of being taxed. Would New York give up the privilege of this collection, and all its incidents? No, sir. It is the profits which that city has received from the transit of southern staples and European goods which has mainly contributed to building up that modern Tyre, that city of commercial noblemen. I may be told that the consumer pays the duty, and therefore that the people of the North pay as much as we do. Admit that argument to be true, is it not manifest that, whilst that section (as a section, I speak not of individuals) pays with one hand as a consumer, it receives back with the other, under the protection of the tariff, more than it pays; whilst to us it is uncompensated taxation? No wise statesman ever considered this question but as involving the compound consideration of taxation and disbursement. It is not very material, in a general point of view, how high the taxes of a country are, if they are disbursed in the same region where they are levied. They will diffuse themselves through the whole system. It is the blood of the social system, which, if in the foot at one moment, is in the head the next; but take it from the arm, and feebleness follows. Sir, the heart of this system is at the South, whence the blood gushes out at those great ventricles, Charleston, Savannah, Mobile, and New Orleans. It flows out through the arteries, but returns through the veins. The South, sir, is the well-spring, deep, abundant; the North the reservoir: this Government the machinery by which the water is raised in one section, and deposited in another. We only know our Government as a tax-gatherer; the North by its bounties and beneficence. It comes to us in exaction; it visits the North, as did Jupiter Danæ, in a shower of gold. It comes to us in absorption; to the North in fertilizing showers. If we have it even in dew, it is not in its refreshing quality, but only in the gentleness of its fall.

The other great source of revenue, and destined to be equal at least to the first, is the public lands—a revenue derived exclusively from the South and West. Can the West—the youthful and comparatively poor, but gallant and patriotic West—which pays a large portion of the taxes on imports, both as consumers and producers, bear this eternal depletion, this tide that knows no reflux? It is estimated that there will next year be abstracted from that section twenty-five millions; with the Cumberland road, and every other appropriation, you will not return two. Can any country long endure this? Will any people who deserve to be free long endure it. I feel the responsibility of developing and commenting on these facts. We are told that, in the third or fourth century, a bishop was expelled from his diocess for revealing to others than the priests and catechumens certain mysteries of his religion; but as I do not like mysteries or secrets, either in religion or politics, I do not hesitate in the discharge of what I regard my duty. For a different course I might perhaps receive a compliment to my liberality, which I should regard as purchased by the sacrifice of the sacred obligations of duty and fidelity to those who sent me here.

Is this state of things beyond the reach of remedy? He is the worst enemy of this Union who shall say so—he its best friend who shall prove the opposite. It is, to a certain extent, true that the Southern and Gulf coast does not afford as many harbors fit for navy yards and requiring to be fortified as the northern coast; but it does afford some three or four, and they, I apprehend, are infinitely strengthened in their claims by the smallness of their number. The charge will be so much the less, whilst their importance, in time of war, both to ourselves or to an enemy, will be increased. Charleston, Port Royal, and Brunswick, present admirable positions for navy yards, with every possible advantage, and bars already deep enough for sloops and frigates, and capable of being deepened to any required extent—a process, which it has been demonstrated at Ocracock and Nantucket is not only practicable but easy. But, sir, there is another point—Penascola, whose importance I do not think I magnify when I say that it is greater than that of New York itself, and as great as all the other points put together! It is the only point on the Gulf where the ship of any enemy can lie in safety, and literally commands the whole of the commerce of the vast valley of the Mississippi—a country equal to eight-tenths of the United States. What are the object in selecting sites for navy yard and maritime fortifications? To secure a place of refuge, supplies, and repairs, to protect the avenues of interior commerce. To keep out of the hands of an enemy a strong position. As to the first, it is a roadstead in which half the navy of England can ride with perfect safety. As to the two last, what point so important? Suppose an enemy in possession of New York, the great city of New York, how small is the country absolutely dependent, and which could not find some other outlet? Let an enemy have possession of the debouche of the Mississippi, and you block up the trade of eight-tenths of the Union, the whole of that vast valley, in comparison with which Egypt is but a garden spot—a commerce, going and returning, of more than one hundred and twenty millions annually, and involving the interest of such a vast extent of our country, from the trapper of the frozen forests of the Rocky mountains, to the owner of the princely sugar estate on the banks of the Missis-

sippi, almost within the tropics. A safe harbor for an enemy, a place of refuge for repairs and for supplies, unsurpassed by any in the world; and as a point from which to harass an enemy, when engaged in war, "that unprofitable contest, which should do the other the most harm," it is more important than all the other naval places put together. Near what other point on our coast has any foreign nation islands or harbors? Here the West Indies are almost within a stone's throw. In the lately apprehended contest with France, at what point was it expected that the blow would be struck? At the North, where millions have been expended? No, sir, but upon this tempting, vulnerable, and neglected point. One would naturally suppose that this place not only possessed no advantages, but was absolutely incapable of being made a naval station. Is this so? Who knows? The coast survey, as reported by the Secretary of the Navy, has not extended to our coast; it has been confined to this consecrated section. Why has not the Southern and Gulf frontier been explored? The very first triangulation has yet to be made there. But, sir, the evidence, notwithstanding, as to the advantages of Pensacola as a naval station, is strong, conclusive, accumulated beyond any other place on our whole coast. I will give you some of the names, embracing every officer who has served in the Gulf, who not only concur in their opinions, but use language as to the local advantages and importance of Pensacola, which would seem extravagant if used by only one. I will read you the list: Bainbridge, Warrington, Biddle, Rodgers, Ridgely, Dallas, Woolsey, Clarkson, Bolton, Slidell, Kearney, Gratiot, and the whole board of engineers—and one other which I will not name. No, sir, I will not introduce the renowned hero of Charleston harbor into such company. To which I will only add the name of Southard, of whom I believe I only express the sentiment of our whole navy when I say that the Navy Department was never better administered before, nor as well since, as when he was at its head.

The board of engineers say: "Situated as Pensacola bay is, with respect to the country on either hand, and the immense regions behind, its rare properties as a harbor become of inappreciable value. 1. It is accessible to the largest class of sloops and frigates, and, as the bar is narrow, may be deepened so as to admit still larger vessels. 2. Its bar is near the coast. 3. It is perfectly landlocked. 4. It has excellent facilities for building, repairing, and launching, and for docks and dockyards. 5. Abundance of good water. 6. Is perfectly defensible."

Mr. Southard says the whole country, from the Alleghany mountains to the Gulf, and from the Rocky mountains to New Orleans, is interested in the maintenance of a sufficient naval establishment at that place.

Again: "With whatever nation we may be at war, the principal theatre of contest will probably be in the Gulf of Mexico, and the object of attack the commerce of the Mississippi. Every principle of prudence demands that preparations be made to meet such an attack." Have any such preparations been made? and why have they not? Captain Dallas says the bar is already 23 feet at low water, and only 27 feet are required for the largest vessels. He further says: "I see no difficulty in deepening the bar to almost any extent that may be desired; but to the depth of seven feet nothing can be more practicable."

Captain Chase, an officer of whom I will not say the half I know he deserves, lest it should be attributed to a too partial friendship, says: "The impediment to the bar at Pensacola may be removed, and, in proportion to its importance, at a comparatively small expense." He adds: "It is the only harbor on the Gulf, at which a great naval arsenal can be established, and is too intimately connected with the great western and southwestern interests to fear opposition." Com. Ridgely says: "The incalculable advantage to an enemy of taking Pensacola, and making it a rendezvous for a blockading squadron, will make obvious at the first glance the necessity of fortifying it." I will not add to this evidence. I could multiply it to an almost indefinite extent. Has the Government been ignorant of all these facts? No, sir, but in full possession of them for years. By an act of Congress approved 3d March, 1825, the President is directed to purchase a site on the coast of Florida for a navy yard and a place of depot, and to erect the necessary buildings and make the necessary improvements." How has this order been executed? After the lapse of eleven years, a shipwrecked or dismantled vessel on that dangerous coast cannot be repaired without being brought round to one of those northern navy yards. I am told that a long-boat cannot be repaired there. Again, sir, by an act of 1827, two dry docks are ordered to be constructed; one north, the other south of the Potomac. This requirement, I am told, is satisfied by the construction of the dry dock at Norfolk. Why was it not fixed at Pensacola? Why was it established amongst the thick cluster of northern yards, at the very nearest point south of the Potomac at which it could be done in conformity with the law? In addition to all the advantages which I have enumerated, there are others not to be calculated: it is in the very heart of the live oak region, within the reach of all the materials necessary for that magnificent fabric, a ship of war, so beautifully described by the gentleman from Massachusetts. Sail cloth, cordage, iron, copper, lead, all supplied by the valley of the Mississippi. Why has this point of such vast importance been so long neglected? I will mention a fact, sir, and let others draw their own inferences. For once, in the history of our Government, all the heads of Departments charged with our internal affairs are exclusively from this favored section; and allow me to add, without any irreverence to that gallant and good man who is at the head of the navy board, or any disrespect to its members, that all of that board are from the same section. Others more given to philosophizing may discover the relation of cause and effect in this. And, sir, what have we now recommended for this important point? Sixty-four thousand dollars, and two hundred and seventy-five hereafter. Sixty-four thousand dollars to build a smithery, cook-shops, and the like, when I have the very highest authority for saying that, to put that station on a footing with the least respectable northern yards and dry docks, more than two millions will be necessary. Gentlemen are mistaken if they expect, with this sop to Cerberus, honey and drugs, in poppy juice steeped, to silence the South and West.

Mr. Chairman, it is not in the matter of naval appropriations alone that this gross, this monstrous inequality exists. It is in the whole scheme and practice of this Government.* I beg in this connexion to call the attention of the committee to another subject. I allude to the distribution of national armories, military schools, forts, and garrisons. As to them it will not be pretended that there is any thing in the localities of the South and West, which should prevent these sections from enjoying a fair participation.

	North Atlantic.	South Atlantic.	Gulf.
National armories,	2	none,	none.
Arsenals,	12	one,	three.
Military school,	1	none,	none.
Navy yards,	6	none, nominally,	one.

* To say nothing of one hundred other cases, such as the expenditures of clothing, &c., for the army, take, as an example, the subject of pensioners. This same favored section (exclusive of Maryland) receives $1,508,555, all the rest of the Union $812,424; less than one-fifth receive within a fraction of twice as much as the remaining four-fifths.

	North Atlantic.	South Atlantic	Gulf.
Forts,	16	seven,	ten.
Garrisons,	25	seven,	eight.

Sixteen forts and twenty-five garrisons in less than one-fourth of our territory, and only four (at Augusta, St. Stephen's, Baton Rouge, and St. Louis) embracing the whole country between the south Atlantic and our extreme western border, and between the Gulf of Mexico and the Rocky mountains. Of the arsenals, twelve are situated in this same small section, and one on the south Atlantic, and three more in the whole South and West. It will scarcely be said that there are no localities in this vast region which will not answer as fit places for garrisons or arsenals; and, sir, is not the enormity of this thing inexpressibly aggravated, when it is remembered that these garrisons and arsenals are situate where there is no sort of necessity for them, and not in that immense region of country where no man can say for a week to come that the fury and ferocity of an Indian war may not burst upon our defenceless frontier? Look at the scenes now exhibited in Florida; scenes in every way disgraceful to the country—disgraceful that cause should have been given for that war; still more disgraceful to the military character of the country, that such a war had not been instantly terminated. But, sir, if a handful of Seminoles, the miserable remnant of a once powerful tribe, have been able to effect so much mischief, what have we not a right to dread from the powerful tribes of the Northwest, the Blackfoot, Osage, Camanche, Sioux, and others, able to bring into the field 40,000 warriors, and to assemble in a month 15,000 of the most warlike Indians which this country has ever known, all well armed and mounted, with inexhaustible supplies of provisions and strongholds and fastnesses altogether inaccessible? It is not, sir, an over-excited imagination which alone may anticipate scenes on the frontiers of Missouri and Arkansas, which in every circumstance of atrocity and horror have no precedent, unless in the desolation of the Carnatic by Hyder Ali. Ask my gallant friend from Missouri, [Mr. ASHLEY,] as little given to conjuring up imaginary dangers as to the shrinking from those which are real and present. He, sir, will tell you that the picture is not a fancy sketch. Why, sir, why is it when men and arms that may be had at a moment's warning, are so loudly called for by every consideration of the safety and protection of the West, that they are located far from the point of real danger, in places where there is none? Four companies in Maine, six in New York, and so on throughout the chapter.

I find my full justification in these facts, sir, for refusing to vote for any of these partial, piecemeal appropriations. When a broad, general, equal system is presented to us, I will vote as much money as can wisely be expended. I will not waste it with the profligacy of a spendthrift, only anxious to squander his patrimony. Of such a system I will throw out an outline. Three national armories: one on the Ohio, at Maysville, or some other more advantageous point; one somewhere on the line between North and South Carolina; another at some point in the neighborhood of Columbus, in Georgia. Arsenals at Fayetteville, Columbia, Natchitoches, Little Rock, Vincennes, Nashville, Columbus, Mississippi, and some point on the Ohio canal. The establishment of navy yards at Charleston or Port Royal, the best harbor on the Southern coast, and at some point on the Georgia coast; extensive yard at Pensacola, dry dock, materials for building the largest ships; naval station at Key West, and a perfect Moro Castle erected there. Let all this be done, and I will not withhold any thing that may be reasonably required by the North; until it is, I will hold the public treasure with a miser's grasp. I will vote as much as can be expended wisely. I have no idea whatever that one-half the amount asked for on the north Atlantic can be expended, and that a vote to appropriate it is only a vote to allow the money to remain in the pet banks. Looking at the thing *a priori*, it seems to me that forty thousand laborers cannot be obtained in that very small section. But, sir, we have authority on that subject. There being no appropriation for fortifications the last year, the only fund which was to be used in that way was an amount unexpended of the previous year. Of that sum about one hundred and fifty thousand dollars were appropriated to works in the vicinity of the city of New York. The work was not done. Hear the reason assigned by General Gratiot *why* the work was not done. He says:

"*Fort Schuyler, Throg's Neck, East River, New York.*—It was hoped, from the ample preparations made last year, and the funds available for their application, that the construction of this fort would have been prosecuted the present year with much vigor. But though materials and facilities of every description have been in waiting, it has been impossible to procure a sufficient force to carry on the work with the progress that was desired. No exertion has been spared to facilitate the operation, either by letting parts on contract or by hired labor, and unavailing efforts have been made to collect the necessary force in Boston, Newport, Connecticut, and the western part of New York."

Of the navy appropriations, three and a half millions remain unexpended. How much of those appropriations demanded labor, and were not expended for the want of that labor, does not appear, and therefore we have no certain data. Here, sir, was our Government, under such an apprehension of war that Senators are denounced for not committing what they regarded a violation of the constitution, to prepare for that war, and yet funds at the disposal of the Government to put the country in an attitude of defence were not used. Why were they not? The only answer that can be given, that is not disgraceful to the Government, is that given by General Gratiot—labor could not be procured. If the President did not anticipate war, he was practising a gasconade unworthy of his character; if he did, he was bound, as far as in him lay, to put the country in a state of defence. But, Mr. Chairman, even if this immense sum of ten or twelve millions can be expended, do not the enlightened men from that section, those especially representing the great manufacturing and shipping interests of the country, see that to send the Government there with ten millions of dollars as a bidder for labor must derange the whole industry of their country? The state of society at the North is eminently complex and artificial. The slightest shock must affect it. With the appalling scenes which a crash in our currency (a crash as certain as time itself) must produce, the manufacturing interest has already trials long and severe enough before it.

I entreat gentlemen to look well to the consequences of the experiment of sending the Government there as a competitor in the labor market, and under the constraint of positive orders to expend this vast sum, let labor rise ever so high. It is already one dollar a day, when in the South and West it is less than fifty cents. These appropriations are not for this year alone. They are the beginning of a system of lavish expenditure, which will last until 1842. No longer? No, sir, no longer, my word for it. Are the judicious men of the North, the property-holders of the North, disposed to organize in their bosom this army of day laborers—men who, all over the world, spend between Saturday and Monday the wages of the week, and who, at the period of their disbandment in the year 1842, will be penniless, and who must go supperless to bed, unless they rob by lawless insurrection, or by the equally terrible process of the ballot-box? Let gentlemen look to it: they are in quite as much danger of insurrection as we are.

Mr. Chairman, this business of fortifying such a coast

as ours is not to be the work of a day, nor scarcely of a century. England, with all her resources, has not yet finished her fortifications. The genius of Vauban, and the magnificence of Louis XIV, required more than fifty years to place France in any decent condition of defence.

But, sir, I am willing to accelerate this great work to the utmost practicable point. If I am not wholly mistaken in the condition of things in Europe, a great struggle is coming on between the northern Powers; the colossal power of Russia, directed, in great degree, by the all-pervading genius of Metternich, on the one side, France and England on the other—a struggle, sir, between the principles of despotism and the cause of constitutional representative government. Such a contest must shake the civilized world to its deepest foundations. Either for the magnitude of the Powers engaged, or the importance of the issue, the world has heretofore seen nothing like it; no, sir, not even in the wars of the first fifteen years of the present century, when that man of destiny literally "stormed across the war-convulsed earth." This, I rather think, has been the true reason for the wise interposition of England in our controversy with France.

In such a contest, where the cause of free government and of human liberty is at stake, we can scarcely desire to be neutral; we cannot be, if we do desire it, unless prepared to maintain an armed neutrality—armed, sir, to the teeth.

If there are any who think, by these and such appropriations, to dispose of the surplus, I have only to say that, if practicable, it would be unjust in the extreme, especially to the West, to draw such vast revenues from one section, and expend them on another. But, sir, it is impracticable, to the point of absurdity. The surplus in the Treasury, by the last advices from the Treasury, independent of bank stock, is nearly twenty-eight millions; to which add the United States Bank stock, and you have thirty-five millions. I say by the last advices from the Treasury, for one hardly has time to make calculations on the basis of one report, before another comes upon us, correcting some error; and I doubt not that, in less than a month, this last report will be followed by another, making some corrections, either in the estimates or the "ciphering." With this 35 millions to begin with, and a revenue of at least thirty-five or forty millions next year, you will not only not be able to expend it, but it will continue to accumulate on your hands. Sir, it is miserable quackery, and, like all quackery, will not only not cure the disease, but ruin the system. I feel as deeply as any one can the portentous danger of further accumulation, and regard it as the very first duty of patriotism to devise some plan of disposing of the surplus. I feel, sir, that we are reposing under an avalanche, which a breath may precipitate upon us. Roman liberty first began to give way on the accumulation of corn in the public granaries. British liberty perished by the corrupting influence of public patronage, in the time of Sir R. Walpole. Even Lord Chatham, one of the greatest men in the tide of time, was scarcely able to galvanize it. I will go with any party which will devise any feasible plan of ridding us of this threatening evil; one which I contemplate with absolute dismay.

Mr. Chairman, there are practicable plans of disposing of the surplus, if gentlemen will conquer all their personal and party prejudices, and pass the land bill, and the constitutional amendment for the distribution of the surplus revenue. These are, in my judgment, the only practicable projects; and I rejoice in my heart that they come from those two great minds, which have for the last twenty-five years so gloriously illustrated the history of their country. In the present as in every past crisis of danger and difficulty, the war, the Missouri question, the compromise, two commanding figures have been seen above the horizon, with the eyes of their countrymen intently fixed upon them, with a well-placed confidence which has never been disappointed. These men are out of power, or my voice should not be heard here in their eulogy. Sir, the expunging process must be carried very far; you must expunge the history of your country for a quarter of a century; you must tear from that history its brightest pages; ay, sir, and you must expunge from the human heart every virtuous and honorable sentiment, homage for genius, gratitude for public services, before their well-earned laurels can be torn from their brows. They will have added another to their many claims upon the gratitude of posterity, if they can succeed in relieving the country from the great danger of an overflowing Treasury, a difficulty for the first time known in the history of the world.

Before Mr. Thompson had concluded his speech, (the whole of which is given above,) he gave way to a motion for the committee to rise.

The committee then rose, and the House adjourned.

Thursday, March 3.

OHIO BOUNDARY LINE.

Mr. THOMAS, from the Committee on the Judiciary, reported a resolution providing that the bill to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions, be made the special order of the day for the 15th of the present month.

Mr. BELL moved the same amendment moved by him to the resolution reported this morning, from the Committee on Territories, viz: *Provided*, That before that time the several appropriation bills should be disposed of by the House.

The amendment was agreed to. And on the resolution, as amended,

Mr. THOMAS asked for the yeas and nays; which were ordered.

Mr. MERCER inquired of the Chair if the motion required a majority of two-thirds for its adoption?

The CHAIR replied, that, inasmuch as its object was to change the order of business, and consequently the rules of the House, so far as that order was concerned, it would require a majority of two-thirds.

The resolution, as amended, was rejected: Yeas 124, nays 79; not being two-thirds in the affirmative.

Yeas—Messrs. Adams, Ash, Ashley, Banks, Barton, Bean, Beardsley, Bockee, Bond, Borden, Bovee, Buchanan, Bunch, Cambreleng, Carr, George Chambers, Chaney, Chapin, Coffee, Coles, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Darlington, Davis, Denny, Dickerson, Doubleday, Fairfield, Farlin, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Granger, Hiland Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Hiester, Holsey, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Jabez Jackson, Janes, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, B. Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Samson Mason, May, McCarty, McKennan, McKeon, McKim, McLene, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Patterson, Dutee J. Pearce, James. A. Pearce, Peyton, Joseph Reynolds, Roane, Robertson, Schenck, Seymour, Shields, Shinn, Sickles, Slade, Sloane, Smith, Spangler, Steele, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Vanderpoel, Vinton, Ward, Wardwell, Weeks, Whittlesey—124.

NAYS—Messrs. Heman Allen, Beaumont, Bell, Bouldin, Boyd, Briggs, Brown, Bynum, J. Calhoon, William B. Calhoun, Campbell, Carter, Casey, John Chambers, Chapman, Nathaniel H. Claiborne, Clark, Connor, Deberry, Dickson, Dromgoole, Evans, Everett, Forester, Philo C. Fuller, Rice Garland, Graham, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Hardin, Harlan, Harper, Hazeltine, Henderson, Hoar, Ingersoll, William Jackson, Jarvis, Jenifer, Henry Johnson, Judson, Lawrence, Lay, Luke Lea, Lincoln, Love, Lyon, Abijah Mann, Maury, McComas, McKay, Mercer, Miller, Milligan, Morris, Parker, Parks, Patton, Phelps, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Russell, Augustine H. Shepperd, Standefer, Taliaferro, Waddy Thompson, Turrill, Underwood, White, Lewis Williams, Sherrod Williams—79.

NAVAL SERVICE.

On motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. MILLER in the chair.

The consideration of the bill making appropriations for the naval service of the United States for the year 1836 was resumed by the committee.

The question being on the motion of Mr. BELL to reduce the appropriation for the navy yard at Portsmouth, New Hampshire, from $65,000 to $35,500.

Mr. THOMPSON, of South Carolina, resumed and concluded his remarks on the subject, as given entire in preceding pages.

Mr. EVANS expressed his intention to address the committee on the subject, and, as the hour was late, moved that the committee rise.

M. E. yielded the floor to Mr. CAMBRELENG, on whose motion the committee took up for consideration

The bill making appropriations for the payment of revolutionary and other pensioners of the United States for the year 1836;

And the bill to repeal so much of the act entitled "An act transferring the duties of Commissioner of Loans," as requires the Bank of the United States to perform the duties of commissioner of loans for the several States.

CONVENTION WITH SPAIN.

On motion of Mr. MASON, of Virginia, the committee took up the bill to carry into effect the convention with Spain.

Mr. M., by order of the Committee on Foreign Affairs, moved a substitute for the above bill, the object of which motion he explained.

After some remarks from Mr. J. Q. ADAMS, expressing his preference of the substitute to the original bill,

Mr. CUSHING said that he desired to avail himself of this occasion to express his strong sense of the justice and honor exhibited by the Government of Spain, in the treaty of which this bill was the consummation. In the midst of national calamities, which she met with her characteristic fortitude, with a deadly civil war raging in her bosom, and weighed down with financial embarrassments, Spain has acknowledged and satisfied the claims of our citizens, in a spirit of manly promptitude and frankness, strikingly contrasted with the conduct of some other European Powers in a similar matter. This procedure on the part of that gallant and highminded nation did honor to the liberal policy which actuates her present rulers. And associated as Spain and the United States are by the ties of a close intercourse, reciprocally beneficial to both, Mr. C. said he felt that it was the duty of the American Congress, in passing this bill, to bear emphatic testimony to the integrity and dignified sentiment of self-respect manifested in this affair by the Queen Regent of Spain.

The amendment was then agreed to.

On motion of Mr. BRIGGS, the committee then rose, and reported the foregoing bills to the House, with the exception of the naval service bill, on which the committee had leave to sit again.

The two bills reported without amendment were read a third time and passed.

The amendment to the bill to carry into effect the convention with Spain was concurred in by the House, and the bill ordered to be engrossed for a third reading.

The House then adjourned.

FRIDAY, MARCH 4.

MILITARY ACADEMY.

Mr. HANNEGAN rose and remarked that he had seen with regret a settled determination on the part of the majority of the House to resist any attempt to expose the abuses of the Military Academy at West Point. He warned the House that they could not smother the truth, and that, one way or another, the facts should be made known.

Here Mr. H. was loudly called to order, both by the Chair and by several members; and he moved a suspension of the rules for the purpose of offering the following resolution, which was read for information:

Resolved, That the report of the select committee appointed during the last Congress to investigate the affairs of the West Point Military Academy be withdrawn from the files, and that ten thousand copies thereof be printed.

Mr. H. again rose, and was again called to order. He said it was easy to teach a starling to cry order, but he desired to have the yeas and nays; which motion he hoped was in order.

The yeas and nays were accordingly ordered.

Mr. BROWN begged leave to make an inquiry of the Chair.

The CHAIR informed the gentleman the question was not debatable.

Mr. BROWN said he did not desire to discuss the question; he only wished to know whether the report of the select committee, to which the resolution referred, had ever been received by the House?

The CHAIR replied that he could not answer the question. It was a report made by a committee at the last Congress.

Mr. WHITTLESEY inquired if the motion was intended to suspend the rules generally, so as to set aside the ordinary business of the day?

Mr. HANNEGAN explained, that his motion contemplated only an application to the morning hour.

The question was then taken, and decided as follows: Yeas 112, nays 83:

YEAS—Messrs. Adams, Ash, Bailey, Barton, Bean, Bell, Bockee, Bond, Bovee, Boyd, Buchanan, Bunch, John Calhoon, Cambreleng, Carr, Carter, Casey, John Chambers, Chaney, Chapin, Nathaniel H. Claiborne, Connor, Crane, Cushing, Cushman, Darlington, Davis, Deberry, Dickson, Doubleday, Dunlap, Efner, Fairfield, Farlin, Forester, French, Fry, Galbraith, James Garland, Gillet, Granger, Grantland, Grayson, Grennell, Griffin, Haley, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Holsey, Hubley, Hunt, Huntington, Ingham, William Jackson, Jabez Jackson, Jenifer, Cave Johnson, Benjamin Jones, Kinnard, Klingensmith, Lawler, J. Lee, Thomas Lee, Luke Lea, Logan, Abijah Mann, Job Mann, Martin, J. Y. Mason, W. Mason, M. Mason, S. Mason, Maury, May, McKay, McKennan, McKeon, McKim, McLene, Miller, Montgomery, Moore, Morgan, Muhlenberg, Parker, Parks, Patterson, Phelps, Potts, Rencher, John Reynolds, Robertson, Schenck, A. H. Shepperd, Shields, Shinn, Sickles, Sloane, Smith, Spangler, Standefer,

Storer, John Thomson, Toucey, Turner, Wardwell, Weeks, Lewis Williams—112.

Nays—Messrs. Chilton Allan, Heman Allen, Ashley, Banks, Beardsley, Borden, Briggs, Brown, Bynum, William B. Calhoun, George Chambers, Chapman, Childs, Clark, Cleveland, Corwin, Craig, Cramer, Denny, Dickerson, Dromgoole, Evans, Everett, Philo C. Fuller, William K. Fuller, Glascock, Graham, Graves, Hiland Hall, Hard, Harlan, Harper, Hazeltine, Hiester, Hoar, Hopkins, Howard, Howell, Huntsman, Ingersoll, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, H. Johnson, John W. Jones, Judson, Lane, Lansing, Lawrence, Gideon Lee, Leonard, Lincoln, Loyall, Lucas, McComas, Mercer, Milligan, Morris, Owens, Page, Patton, Dutee J. Pearce, Phillips, Pickens, Reed, Joseph Reynolds, Roane, Rogers, Russell, William B. Shepard, Sprague, Sutherland, Taliaferro, Taylor, Towns, Turrill, Underwood, Vanderpoel, Washington, Webster, Whittlesey, Sherrod Williams—83.

So the House refused to suspend the rules, two-thirds not voting in the affirmative.

CONTESTED ELECTION.

The House proceeded to the consideration of the report of the Committee of Elections, in the case of the North Carolina contested election.

Mr. HARD, on a former day, made a motion, (which was modified on the suggestion of Mr. Mann, of New York,) that the petitioner, David Newland, have leave to appear, and also to address the House on the subject of his petition.

The question pending was the amendment proposed by Mr. Bynum, that the petitioner be permitted to appear by himself or by counsel.

Mr. BYNUM said, when he made the motion, he had done so because he understood, in private conversation, that the petitioner wished counsel; and, also, in accordance with the views expressed by the majority of the Committee of Elections. His colleague [Mr. Connor] had stated that he was authorized by the petitioner to say that he did not wish counsel. Mr. B. had since had a conversation with the petitioner, and with his colleague, and had ascertained that the petitioner had made such a declaration; but the reason why he had done so was, that at that time the petitioner was unconscious that such a request had ever been asked by any petitioner of the House of Representatives, and he was unwilling to ask any thing that had not been granted to others under similar circumstances. Upon mature reflection, however, the petitioner had stated to Mr. B. that he would ask for counsel; ascertaining that it had been the uniform practice of the House to hear petitioners in such cases by counsel, and that that privilege had been in no one instance denied when asked. Mr. B. said, in reciting the case he had the other day of a contested election from New Jersey in 1789, he had shown that it was the opinion of Mr. Madison, Mr. Stone, and various others, that the petitioner in such cases should have counsel. It appeared to be admitted by all parties that the petitioner should be heard by counsel on the main question, but it was doubted by some whether he should be heard on the preliminary question. He had understood it to be the almost invariable practice in the British Parliament, to grant petitioners in such cases a hearing by counsel. He had found other cases in our own country than those already mentioned, and in one of those cases the sitting member had been allowed counsel; and he had not discovered a single case where counsel had been refused. He took the liberty of dissenting from the broad ground taken by the gentleman from Kentucky, [Mr. Hardin.] That gentleman had stated that he thought it would be highly impolitic to admit lawyers on that floor to argue the cases of petitioners, in the case of contested elections. Mr. B. thought it would be politic to have counsel. He believed it would be better for each party to have counsel, and not have members of the House advocating each individual's claims; because, in so doing, gentlemen disqualified themselves from becoming judges of the matter, which they were bound to settle. For that reason, he believed the true policy would be to grant the petitioner counsel on the main question. The gentleman had very truly said that there were enough of distinguished lawyers in the House to advocate either of the gentlemen's causes; but he must tell the gentleman that those lawyers were not going to pay that attention to the case that one would who was employed expressly for that purpose. The members of the House were not going to make that search into the laws of the State, in relation to the matter, which a lawyer would, whose business it was to do so. He knew from his little experience that the practice was to give the documents a mere casual perusal. While up, he could not but express his regret at the remarks made the other day by the gentleman from Pennsylvania, [Mr. McKennan.] He did think that the gentleman's statement had misrepresented his views, and his persisting in it would justify him (Mr. B.) in using language towards that gentleman, that he had too much regard for the dignity of the House to use in its presence; but he was willing to let the country judge between what he had said and the gentleman's statement. He hoped the vote would be taken on allowing the petitioner counsel, and that the preliminary question might be at once settled.

Mr. MERCER did not rise to discuss the subject, but merely to state, in reply to the gentleman from North Carolina, [Mr. Bynum,] that counsel had not been admitted in such cases into the British Parliament since the passage of the Grenville act.

Mr. REED said he believed that counsel had not been admitted into Congress in the case of a contested election for thirty years past. At the commencement of the Government, when the House was small, counsel had been admitted; but time had become so precious of late years that they were not admitted. If they were to admit counsel, there ought to be good reason for it, and he did not think there was good reason for such admission on the present occasion. The matter had been before a committee of nine members, whose duty it was to examine into all constitutional and legal questions in relation thereto. They had, after examining the question, and hearing all the testimony from the respective parties for the last three months, made two reports to the House. After that, was the examination to stop? No; it would be still further examined, and there were enough of members to discuss the subject. There was no difficulty in finding a sufficiency of speakers. There were many lawyers on the floor, competent and willing to discuss any legal matters which might come before them; but he found other gentlemen, who were not lawyers, competent to discuss the present question, and to discuss it ably, too; and therefore he could not see the necessity of introducing lawyers to argue the case, and consume the time of the House. They might as well ask to have lawyers to come into the House to advocate the cause of the sufferers by the late fire in New York. Those sufferers certainly were as much in need of counsel as the petitioners. But his principal objection was to the time that would be wasted; if a lawyer was to be heard, he would take two days in making an argument. If the gentleman was not capable of advocating his claim to his seat, he would find plenty of friends in the House who would do it for him; and he ventured that no member would express an opinion which would make him incapable of acting afterwards as a judge in the case. He objected to it from want of time, and that it might be the

means of introducing lawyers on the floor on other subjects.

Mr. HARD expressed a hope that the gentleman from North Carolina [Mr. BYNUM] would withdraw his amendment, and permit the petitioner to take his seat until this preliminary question was settled. He could not but think that the debate had taken a wide and unnecessary range at this stage.

Mr. GLASCOCK would be very unwilling himself to adopt, under any circumstances, the amendment proposed by the gentleman from North Carolina, that counsel should be allowed, even if he could bring himself for a moment to believe that there was any necessity for it. Independent of this, he believed that, unless where there was an absolute necessity, the precedent was a dangerous and bad one. But why should the petitioner wish for counsel, when the report of the committee was in his favor? Mr. G. did not look upon the question as a mere legal one, or as involving only a legal question. It was true, that it depended in a great measure upon the law of North Carolina, regulating the proceedings of elections in that State; but the whole testimony was now introduced, and could it for a moment be presumed that individual members of the House were not fully qualified to decide upon that evidence? Where, then, could exist the necessity for the employment of counsel, if there be no difficult points involved? Or even if there were difficult points involved, it appeared to him that it was both prudent and proper for the House to decide for itself, without the interference of counsel. He could not believe that any difficulties could arise in the discussion of this question, nor could he be induced to believe that any individual member of the House would undertake to decide a question of such importance without making himself perfectly qualified to do so, by fully informing himself of all the facts upon which he would have to vote. He would venture to assert that no individual member on that floor would vote upon this question without reading all the evidence, and without listening to all the arguments that might be advanced by gentlemen on both sides of the question.

Independent of this, Mr. G. must be permitted to observe that wherever counsel was employed for a specific purpose, for the purpose of advocating the particular cause of a particular individual, he was expected, from the very nature of his station, from the duty a counsel owed to his client, to bring forward the strong points only, those calculated to operate exclusively for the benefit of the individual he represented, and not to touch upon those that would go to sustain the other side. It did appear to Mr. G., then, that, taking a general view of the subject, both as to policy and precedent, believing that House competent to investigate for itself this question, there was no propriety on the present occasion of allowing counsel to the petitioner. He was opposed to the motion upon general principles, and he concurred with the gentleman from Massachusetts, [Mr. REED,] that this principle once adopted, would have to be carried out on all subjects involving a legal point which might come up there for discussion. It was wrong, it was improper, and he could never consent to it.

Mr. WHITTLESEY here called for the orders of the day.

Mr. BOYD moved to suspend the orders of the day, for the purpose of proceeding with the consideration of this subject.

Mr. BYNUM wished to move simply to proceed with the discussion, as he conceived that motion required only a bare majority.

The CHAIR decided that that motion would require two-thirds, consistent with the precedents that had been long established by the House, and decided upon at least twenty times. The effect of the motion was to suspend the rules of the House, so far as private business was concerned.

Mr. BOYD then modified his motion, by moving that the House proceed with the consideration of the report from the Committee of Elections. The motion was decided as follows: Ayes 87, noes 83; whereupon,

The CHAIR decided that, in conformity with what he understood to be the declared sense of the House, by long-established precedents, the motion was not agreed to, because it required a majority of two-thirds.

Mr. BYNUM then took an appeal from the decision of the Chair, on the ground that a bare majority was sufficient to proceed with the business under consideration, and that Friday and Saturday were not so absolutely set apart for the consideration of private business as to make that subject the special order of those days. The 19th rule is as follows:

"Friday and Saturday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House;" and the point was, whether it required a bare "majority," or a "majority" of two-thirds. The decision of the Chair, and former precedents for more than six years, were in favor of the latter.

Mr. CUSHING said that a statement of the question, and of two or three considerations applicable to it, would explain the grounds on which he should vote.

There is a rule of the House which provides that the two last days of the week shall be appropriated to the despatch of private business, unless a majority of the House shall otherwise order. Another and a subsequent rule provides that the order of business shall not be changed without a vote of two-thirds of the House. The question is: What is the construction of these two rules, collated together?

Mr. C. said it seems to be admitted, in the first place, that in point of fact the second of these rules was introduced and established for the express purpose of controlling or explaining the first, and of meeting the very case under debate. Secondly, that it had been the uniform and settled practice of the House to apply the rule of two-thirds to this case; and, in the absence of any thing written, such a practice constituted a rule. And, in his judgment, the original design of the rule, and the current of decisions under it, were sound and right upon principle. It was the general doctrine, to suspend the rules and change the stated order of business for a temporary object, only by a vote of two-thirds, because otherwise the business of the House would be subject to the fluctuating will and unstable impulses of a bare majority, acting under the hasty impressions of the moment. And it would be particularly wrong thus to set afloat the immense mass of the claims of private individuals, who, as it is, labored under such intolerable difficulties in pursuing a demand against the United States.

The point of order was debated at some length, and the decision of the Chair was sustained by Messrs. MERCER, BRIGGS, WILLIAMS of Kentucky, WHITTLESEY, SUTHERLAND, and EVERETT, and opposed by Messrs. BYNUM, BEARDSLEY, HARPER, VINTON, MANN of New York, BELL, VANDERPOEL, and TOUCEY.

Mr. HAMER demanded the previous question; which was seconded: Ayes 108, noes not counted; and the main question was ordered to be put without a count.

The main question was, "Shall the decision of the Chair stand as the judgment of the House?" and thereon Mr. MANN, of New York, asked for the yeas and nays; which were ordered; and the question being taken, was decided in the affirmative: Yeas 132, nays 61, as follows:

YEAS—Messrs. Adams, Chilton Allan, Ash, Bailey, Banks, Beaumont, Bell, Bockee, Boon, Borden, Briggs, Buchanan, Bunch, John Calhoon, William B Calhoun,

Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Chaney, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Dickerson, Doubleday, Dunlap, Efner, Everett, Fairfield, French, Fry, Philo C. Fuller, Galbraith, James Garland, Rice Garland, Glascock, Granger, Grennell, Griffin, Haley, Hiland Hall, Hamer, Hard, Harlan, Samuel S. Harrison, Hawkins, Hazeltine, Hiester, Howell, Hubley, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Janes, Jenifer, Joseph Johnson, Henry Johnson, John W. Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lawler, Lawrence, Lay, Joshua Lee, Thomas Lee, Luke Lee, Lincoln, Logan, Lyon, Job Mann, Martin, John Y. Mason, Moses Mason, Maury, May, McCarty, Mc Kennan, Mercer, Miller, Milligan, Montgomery, Moore, Morgan, Morris, Dutee J. Pearce, James A. Pearce, Phelps, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Roane, Russell, William B. Shepard, A. H. Shepperd, Shields, Sickles, Slade, Spangler, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Turner, Turrill, Ward, Wardell, White, Whittlesey, Lewis Williams, Sherrod Williams—132.

NAYS—Messrs. Anthony, Barton, Bean, Beardsley, Bond, Bovee, Boyd, Brown, Bynum, Cambreleng, Chapin, Connor, Craig, Cramer, Cushman, Davis, Dickson, Farlin, William K. Fuller, Gillet, Grantland, Graves, Grayson, Joseph Hall, Hannegan, Harper, Albert G. Harrison, Haynes, Holsey, Hopkins, Ingersoll, Jarvis, Richard M. Johnson, Cave Johnson, Gideon Lee, Leonard, Abijah Mann, William Mason, Samson Mason, McComas, McKay, McKeon, McKim, McLene, Muhlenberg, Owens, Page, Parker, Patterson, Joseph Reynolds, Ripley, Robertson, Rogers, Schenck, Smith, Toucey, Underwood, Vanderpoel, Vinton, Webster, Weeks—61.

So the House determined that the decision of the Chair should stand ss the judgment of the House.

The House then proceeded to the orders of the day and took up several engrossed bills; which were read a third time and passed; and then

The house adjourned.

SATURDAY, MARCH 5.

OHIO BOUNDARY LINE.

The motion heretofore submitted by Mr. HAMER, to print 10,000 extra copies of the report and bill fixing the northern boundary of the State of Ohio, and providing for the admission of Michigan into the Union, was taken up.

Mr. HAMER modified his resolution, by proposing to print the usual number of copies of the brief on the same subject, presented on behalf of the Ohio delegation.

Mr. VINTON suggested that the papers referred to in the brief be also printed.

Mr. HAMER acquiesced in the suggestion, and modified his motion accordingly.

Mr. RENCHER had no objection to printing an extra number of the report and bill, but the number proposed he believed to be too large. He therefore moved to amend the proposition by substituting 5,000 for 10,000 copies; which was agreed to.

Mr. BEARDSLEY suggested that the brief presented on behalf of Michigan, and the papers therein referred to, should also be printed.

Mr. HAMER had no objection, and further modified his resolution, in accordance with the suggestion of the gentleman from New York.

Some conversation took place between Messrs. MANN of New York, HAMER, PARKER, THOMAS, and GRENNELL, as to the character and extent of the briefs, and the papers therein referred to, when the resolution was further amended by excepting such papers as had been previously directed to be appended to the report of the Committee on the Judiciary; and, thus amended, it was agreed to.

CONTESTED ELECTION.

The House then resumed the consideration of the report of the Committee of Elections on the contested election from one of the districts of North Carolina.

The question pending was the amendment proposed by Mr. BYNUM, that the petitioner be permitted to appear by himself or by counsel.

Mr. GRIFFIN called for the yeas and nays; which were ordered.

Mr. RENCHER wished to state one fact, which ought to induce the House to grant counsel, and that was, that the petitioner had the benefit of counsel before the committee; and he could see no good reason why he should not be entitled to the same benefit on the floor of the House. He would vote for the motion that the petitioner be allowed counsel, because he had asked for it; and he would have granted the sitting member counsel if he had desired it. He agreed with his colleague, [Mr. BYNUM,] that it more became them to listen to the arguments of others than to engage in it themselves.

The question was then put on the motion that the petitioner be permitted to appear by counsel, and decided in the negative: Yeas 67, nays 112, as follows:

YEAS—Messrs. Barton, Bean, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bynum, Chapman, Nathaniel H. Claiborne, Cleveland, Connor, Corwin, Craig, Crane, Davis, Denny, Dickerson, Dickson, Farlin, French, William K. Fuller, Galbraith, Joseph Hall, Hannegan, Harper, Albert G. Harrison, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Huntington, Jabez Jackson, Cave Johnson, Kennon, Kilgore, Lansing, Thomas Lee, Job Mann, William Mason, McKay, McKim, Mercer, Montgomery, Morgan, Muhlenberg, Page, Patterson, Phelps, Rencher, John Reynolds, Joseph Reynolds, Roane, Schenck, Augustine H. Shepperd, Shinn, Sutherland, Thomas, John Thomson, Turner, Vanderpoel, Ward, Wardwell, Weeks—67.

NAYS—Messrs. Chilton Allan, Anthony, Ash, Banks, Beaumont, Bell, Bockee, Bond, Borden, Briggs, Bunch, John Calhoon, William B. Calhoun, Cambreleng, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Childs, Coffee, Coles, Cushman, Deberry, Doubleday, Dromgoole, Dunlap, Efner, Evans, Everett, Fairfield, Forester, Fry, Philo C. Fuller, James Garland, Gillet, Glascock, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Hiland Hall, Hard, Hardin, Harlan, Samuel S. Harrison, Hazeltine, Henderson, Hiester, Hoar, Howell, Hunt, Huntsman, Ingersoll, Ingham, William Jackson, Janes, Jarvis, Jenifer, Joseph Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Kinnard, Lane, Lawler, Lawrence, Lay, Gideon Lee, Luke Lea, Leonard, Lincoln, Logan, Loyall, Abijah Mann, Martin, Moses Mason, Samson Mason, Maury, McCarty, McComas, McKeon, McLene, Miller, Morris, Owens, Parker, Parks, Patton, Phillips, Potts, Reed, Robertson, Rogers, Russell, Shields, Sickles, Smith, Spangler, Standefer, Storer, Taliaferro, Taylor, Towns, Underwood, Webster, Whittlesey, Sherrod Williams—112.

Mr. BYNUM said he was in hopes that, since the House had, by the vote which it had just given, refused the petitioner leave to be heard by counsel, it would act its principle out, and reject the motion offered by the gentleman from New York [Mr. HARD] to allow the petitioner the privilege to appear at the bar of the House, and to speak in his own defence, as it was a request that the petitioner had not made.

The vote which had just been taken was one to which

he begged the liberty of the House to call the earnest attention of every farmer, mechanic, workingman, and tradesman, in this nation. It was one in which, in the sincerity of his heart, he believed their most solemn rights as freemen had been invaded and violated. For the first time it was, that ever a freeman and an American citizen had been refused the right or privilege to be heard in the Congress of the United States, the professed assemblage of the representatives of the only truly free nation on earth, in defence not only of his own rights and interest, which are involved in his seat on this floor, but in defence of the rights and interest of forty-seven thousand four hundred souls of the district whose representative he claimed the right to be in that House. He was glad that some honorable gentleman had called for the yeas and nays on that question, as the farmers and workingmen of the country might see what they had a right to expect from their Representatives there. [Here the SPEAKER called Mr. B. to order, and said it was not in order to speak on a subject that had been decided.] Mr. B. said he would submit with great respect to the correction of the Chair; but that, by the vote of the House, an act of injustice had been done the petitioner, and that it could not be repaired by the passage of the resolution of the gentleman from New York. He, as a freeman and an American citizen, had been denied the privilege of being heard by counsel in defence of his rights, and the rights of his constituents, on that floor; and he wished it to be marked and well noted by that class of citizens of this country who were not lawyers, and who were not professed speech-makers. Sir, said Mr. B., the act of injustice done to that portion of the community is gross, and violative of every spirit of freedom; the decision that has been made is in the very face of every precedent that has ever occurred in this House. I protest against it as being fraught with the grossest injustice towards every petitioner that may hereafter come before this House, who is not a lawyer by profession or a hackneyed public speaker. Surely gentlemen have not considered the consequences of the vote that has just been given, the vital rights of the great class of farmers and workingmen that it so seriously affects; the great advantage that it must give to the lawyers over every other class of men that have not been bred to speech-making. Can that class of the community who are not of the legal profession sanction so enormous a breach of their dearest rights, in a place where they should be so tenaciously guarded? Sir, said Mr. B., the working class of society cannot look with indifference at this act. He hoped their attention would be called to it in every section of the country; the denial of the privilege to be heard by counsel was against the uniform practice of the House, in every case where it had been asked, since the formation of the Government until the present time. There had not been a single instance where it had ever been before refused, and he thought the House assumed an awful responsibility in setting aside the precedent at this late day of the republic, in opposition to a practice so long acquiesced in. It was against the spirit and genius of the constitution.

The case operated with peculiar hardship on the present occasion. The petitioner was no public speaker, and did not ask to be heard, except by counsel; and the House had made a most singular decision, that he should not be heard by counsel, and was about to decide that he should or might be heard by himself. Now, said Mr. B., this is what the petitioner did not ask. He is no debater, and is, comparatively, a perfect stranger in this House; and no man could do himself justice, that was a stranger, however much he might be accustomed to public speaking, who might in his first attempt undertake to address this House; but for one unaccustomed to public speaking to attempt it, it was utterly impossible that he could do it with that composure and deliberation that was necessary in the discussion of a great legal or constitutional question. Yet, by the vote of the House, it had been decided that the petitioner, however illy competent to address it, was to be forced to attempt it, to the exposure of himself, and the great prejudice of his claim, and to the interest of all others interested in the decision. It was giving too great an advantage to the lawyers over every other class. No man in future might think of contesting a seat here, who was not a lawyer, with any prospect of success. Had this been a new case, so strong were the reasons to his mind, he should, without the least hesitation, have granted counsel, if desired by either the petitioner or the sitting member. Such had been the constant and uniform practice of the House, which he had taken pains to ascertain; and it certainly offered the strongest reasons at this time against deviating from a precedent so long held sacred, and founded, in his judgment, in the strictest policy and propriety. But he had said it had operated with peculiar hardship on the petitioner. The sitting member had been a member of this House near three years, a lawyer of eminence, who had formed many acquaintances and connexions of different kinds, and had had an opportunity, both in private and in public, of placing in possession of the strongest points of his case most of those with whom he had formed an acquaintance during this time; he had also made two lengthy arguments to the House, while the petitioner was excluded from the House, both in himself and counsel. Was such a course not calculated to bias the House in his favor, and give their prepossessions in the justness of his claim? It certainly appeared so to him.

But the gentleman from New York has moved to permit the petitioner on the floor, with the privilege to speak in his own defence. Sir, the gentleman from New York represents the minority of the committee that was opposed to the claim of the petitioner. The petitioner will ask nothing at the hands of those who are opposed to him: he is old enough to know what danger there has ever been found in the gifts of an enemy. The petitioner has not asked this from the gentleman from New York; the petitioner is aware that he has nothing to expect from that quarter. Sir, I think I see through the design of the gentleman from New York, and so does the petitioner. That gentleman thinks, no doubt, if his resolution be adopted, that it will supersede the resolution offered by the majority of the committee, who were friendly to the claims of the petitioner. Sir, is this not, by indirection, an attempt of monstrous injustice towards the petitioner, who has already had the strongest cause of complaint against the House? He certainly viewed such a course as being most unjustifiable.

Again, sir: has not evidence been presented, and ordered to be printed and laid on the desk of each member of this House, in favor of the sitting member, which was taken after the committee had decided they would receive no more evidence, which nobody was here to object to—the petitioner not being represented on the floor, either in person or by counsel? Can such a course be compatible with any principle of justice or equity?

Sir, said Mr. B., I am not a little astonished at the course it is manifest that the House is disposed to take already on this subject, and I hope that the decision it has this day made against the rights and interests of a certain class of the community may long be remembered, and not overlooked by them at a future day.

The resolution that the House was about to adopt had come from one hostile to the pretensions of the petitioner, and was, he was authorized to say, entirely gratuitous; and he viewed it as being wholly delusive, and, if adopted, could afford no substantial relief to the petitioner, and he thought it unnecessary to adopt it with any view

of the kind. It would be adding insult to injury. He had asked for one thing: you will, by the adoption of the gratuitous resolution of the member from New York, with his known hostility towards the petitioner, have given him another.

Note.—*Book of Contested Elections in Congress.*—1789. The case to which Mr. Bynum had referred in his former remarks was case the 2d of the New Jersey members, page 42.

"On motion of Mr. Liney, that the parties appear, and be heard by their counsel before the House,

"Mr. Livermore said, I have no objection that counsel should be heard upon the merits of the principal question.

"Mr. Madison thought it would be proper to hear counsel.

"Mr. Page: If the jurisdiction of the House was questioned, the parties had an indubitable right to be heard by counsel, and he hoped no gentleman would refuse the people of the United States a privilege of this important nature, which had always been enjoyed by the subjects of Great Britain.

"Mr. Stone had no objection to admitting a limited number, if it was required.

"1792. Page 49.—In case 11, Jackson vs. Wayne, from Georgia, it was postponed to the 27th of February, and on that day it was further continued, on the suggestion of the sitting member, to the 10th of March, on which day leave was granted to the sitting member to be heard by his counsel at the bar of the House.

"1804. Page 129.—Case 20, Moore vs. Lewis, from Virginia. March 1st, 1804, the committee was discharged; and, resolved, that the memorialist and the sitting member shall, if they desire it, be heard by counsel before the bar of the House.

"Mr Moore appeared at the bar, and spoke in favor of his memorialist, claiming the seat of Major Lewis.

"Mr. Jones, the counsel of Major Lewis, then spoke in favor of his right to his seat."

Mr. Bynum also referred to the case in the British Parliament, of John Luttrel, petitioner, *vs.* Sir Abraham Hume and William Joliff, when both the sitting member and petitioner were heard by counsel.

Mr. HARDIN said that the motion was that the petioner have leave to appear and to address the House; but if that gentleman did not choose to avail himself of the privilege, there was no harm done. The resolution was not mandatory that the petitioner shall come and speak, but that he have leave if he choose to do so. If, however, the gentleman did not avail himself of the privilege, he expected the members of the House would do him ample and impartial justice. They were to decide the case partly as members of the House and partly in the character of a court of adjudication, and it was to be settled by the evidence which every member had on his table. The resolution proposed to give the petitioner a seat on that floor; but if that gentleman says he will not avail himself of those rights, because the House would not give him more, let him do so. But the gentleman from North Carolina [Mr. Bynum] had said that, because the House had negatived the motion to grant the petitioner counsel, it ought not to pass the resolution granting him a seat. The House, Mr. H. said, ought still to pass the resolution and if the petitioner did not avail himself of the privilege, it was his own look out. He had voted against the amendment granting counsel, and should do so again. When a man spoke on that floor on great constitutional questions, he wanted him to speak as a member of that House, impressed with the high responsibility which rested upon him. It had not been from any disposition not to hear the counsel the gentleman might produce; he would be willing to hear every thing that could throw light on the matter; but he could not consent to have the time of the House consumed by the arguments of a lawyer. In relation to the motion coming from the gentleman from New York, [Mr. Hard,] he thought it was perfectly correct. Was that gentleman an enemy of the petitioner? He believed not. Was he an opponent of the petitioner? He believed he was not. The members of the committee might have made up their minds that one was entitled to the seat and another was not, but he was far from believing that either of them were opponents of the petitioner or of the sitting member. He would vote for the resolution, and then it would be optional with the petitioner to take his seat or not.

Mr. HARD said he wished to make a few remarks in explanation. If he understood the gentleman from North Carolina [Mr. Bynum] correctly, he had said the motion came from a quarter unfriendly to the petitioner. He did not know what the gentleman from North Carolina considered a want of friendship in the members of the committee towards the petitioner; but he trusted, so far as he was concerned, and so far as he had acted, and in the course he intended to pursue, that he would not be governed by party, but by principle. He had been induced to bring the motion before the House at the instance and request of an honorable gentleman from Virginia; and if they were to judge from votes, that gentleman was the political friend of the petitioner. It was argued by that gentleman and others, that the sitting member had the privilege of making statements to the House, which the petitioner himself was better qualified to answer than any other individual. It was also urged by some of the petitioner's friends, that it was the duty of the committee to bring forward the motion. He had consulted both the members of the majority and minority of the committee, and he had to say to the gentleman from North Carolina, [Mr. Bynum,] that he disclaimed all unfriendly feelings towards the petitioner.

Mr. FRY, of Pennsylvania, said he was among those who had voted against the petitioner being heard upon this floor by counsel, and he should also vote against his being heard in person; and this he had done and would do, under the fullest conviction that the House were amply competent, and would do the claim of the petitioner ample justice, upon the final action of the House upon the subject. Sir, (said Mr. F.,) we have not only the report of the standing Committee of Elections, but we have a double report—a minority report upon the subject; and what member of this House would hazard the opinion that the reports did not embrace all the facts in the case? And if they do, do we want a lawyer to read and expound that report to the House? Does the House want a lawyer to distort the evidence? I have full confidence in the ability of the committee, who have made the report, to do justice to the contending parties; and having their reports, I want the opinion or advice of no lawyer to tell me what these reports are, and whether they do justice or injustice to either of the parties. I cannot see, if this petitioner is entitled to be heard upon this floor, why every person who has a claim is not entitled to be heard by counsel; I cannot make a distinction between claimants. Precedents have been referred to. I make precedents the rule of my conduct only so far as I consider them good and sound. I make precedents the rule of my conduct no further than I approve of them. Sir, I said I voted against allowing the petitioner to be heard by counsel upon this floor, and I repeat it, because I believed the House amply competent, and I cannot doubt but the House will do him full justice; and I was sorry to hear the insinuation of the gentleman from North Carolina, that a disposition was manifested by the vote of the House, to do the petitioner injustice. I have troubled the House with these few observations, in justification

of the vote I gave upon the amendment, and in justification of the vote I should give upon the proposition of the gentleman from New York; and with these observations I dismiss the subject.

Mr. ADAMS said he felt some embarrassment on the present occasion, as to the course he ought to pursue. It had happened that he was absent when the yeas and nays were taken, and he had not had an opportunity of recording his vote. It had not been his intention to enter into the present question at all; and he should have been satisfied by an opportunity of voting, which would have been in favor of admitting counsel on the part of the petitioner. He would have done so, because he conceived it to be the right of a citizen of the United States, sent there by forty thousand voters, or claiming to be sent by them. He should have considered it as one of the rights of the petitioner and of his constituents, to be heard by counsel, if he had thought proper to ask it. It was the only principle on which he could be placed on an equality with his competitor; because no one was capable of speaking for himself, in such a case. What was the result? Go into a court of justice, and see on one side one of the first lawyers of the land, and on the other a man who had nothing but the justice of his cause to sustain him; let the judges and jurors be as honest and capable as they might be, and nine times out of ten the suit would be decided in favor of the man who had the great lawyer. To deny counsel was to take away the equality which should be given to the petitioner.

Mr. BOON rose to a point of order. He did not think the gentleman in order in reflecting on the decision of the House.

Mr. A. resumed. It had not been his intention to trouble the House with any remarks; but he wished to give his reason for voting against the motion then before the House. The present motion was a substitute for the one which the House had refused to grant. It was now proposed that the petitioner should be admitted on the floor of the House, and that he should have permission of the House to use a faculty which his friends said he did not possess. Now, it seemed to him, if that principle was established, the question might be asked, have the people the right to send a man to Congress who was not a profound lawyer; a man who might be good in counsel, but had not the faculty of speaking? The right of the member was the right of his constituents, and he did not know of any law which required that a member of Congress should be a public speaker. That was a matter for their constituents to determine for themselves. And every gentleman knew full well that there were many members of that House who had not the peculiar faculty of speaking, but who were as useful members as any others in the House. But were gentlemen going to admit the petitioner, who was no lawyer himself, to plead his own cause, when his friends have told them that he was not capable of pleading it? and that, too, when his competitor was a debater equal to almost any gentleman on that floor? The proposition was fallacious. It had the appearance of placing the petitioner on an equality with his competitor, and at the same time amounted to nothing at all. It was a refusal of his rights, together with the pretension of granting him his rights. So far as a resolution went, taking it abstractly, he should vote for it, for the House had declined what he believed to have been the petitioner's rights; but he found the petitioner's friends were not willing to accept of it; and therefore he labored under some embarrassment, and he should rather be inclined to vote against the resolution. Gentlemen might consider it a sort of indemnity for what they had refused the petitioner, and it would be so, were it not for the fact that it was absolutely a delusive privilege; and it was better to say at once that he should not have a seat, and submit his case to the justice of the House. He begged not to be suspected of entertaining any hostile feeling towards either of the gentlemen. He had a high regard for the sitting member, and of his competitor he knew nothing. Not being in the House to record his vote on the subject, he had taken the opportunity of giving the reasons why he should vote against the proposition to allow the gentleman to plead his own cause, which he considered a delusive appearance of justice, and no reality.

Mr. WHITTLESEY called for the orders of the day; but withdrew it at the request of

Mr. HAMER, who, by consent of the House, moved a reconsideration of the vote of this morning on the resolution directing extra copies of the report on the Ohio and Michigan boundary question, &c., to be printed, as he wished to move to strike out that part directing the printing of the briefs. Mr. H. said that, by a conversation with some members of the Judiciary Committee, he had ascertained that, under the resolution as adopted, there was no document or brief that could be printed on behalf of Michigan. To print one on behalf of Ohio, under such circumstances, might seem like taking an advantage of Michigan. This Ohio did not want; and he desired a reconsideration for the purpose of striking out all that part of the resolution which related to the printing of briefs on either side.

The House reconsidered the vote. Mr. H. modified the resolution as proposed, and it was then adopted.

ESKRIDGE AND FISK.

The House resumed the consideration of the bill for the relief of Thomas P. Eskridge and Alvarez Fisk.

An amendment having been proposed by Mr. PARKER, it was opposed by Messrs. LINCOLN and SEVIER, and advocated by the mover; when

Mr. PARKER varied his motion, by proposing to recommit the bill to the Committee on Public Lands, with instructions.

After some further remarks by Messrs. SEVIER, BOON, VINTON, PARKER, LINCOLN, MASON of Virginia, WHITTLESEY, and KENNON,

Mr. WILLIAMS, of North Carolina, called for a division of the question; and it was first put upon committing, and decided in the negative; the second branch of the motion fell, as a matter of course.

The amendment of Mr. PARKER to strike out the allowance of interest was then disagreed to, and the bill ordered to be engrossed and read a third time.

ALFORD AND BRUSH.

A joint resolution for the relief of Benedict Alford was amended, on motion of Mr. WARDWELL, by adding a provision for the relief of Robert Brush; and, after some debate, the further consideration of the resolution was postponed until Friday next.

Mr. DAVIS moved an adjournment.

Mr. P. C. FULLER asked for the yeas and nays on the motion; which were not ordered.

The question on the adjournment was taken by tellers: Ayes 82, noes 61; and, at 3 o'clock, P. M.,

The House adjourned.

MONDAY, MARCH 7.

SLAVERY IN THE DISTRICT OF COLUMBIA.

The CHAIR announced the unfinished business of the last petition day first in order to be the motion of Mr. PATTON to suspend the rules of the House, for the purpose of enabling him to submit a motion for leave to withdraw the joint resolutions of the General Assembly of the State of Virginia (presented by him) on the subject of the abolition of slavery.

Mr. PATTON called for the yeas and nays on his motion; which were ordered.

Mr. ADAMS moved to lay the motion to suspend the rules on the table.

On this motion Mr. MORGAN asked for the yeas and nays; which were ordered, and were as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bailey, Barton, Bean, Beardsley, Borden, Bouldin, Briggs, Brown, Carr, Casey, Corwin, Craig, Cramer, Crane, Cushing, Denny, Efner, Evans, Farlin, Philo C. Fuller, Galbraith, Gillet, Graves, Grennell, Joseph Hall, H. Hall, Hard, Harlan, Samuel S. Harrison, Hawkins, Hazeltine, Hiester, Hoar, Howell, Hubley, Huntington, William Jackson, Janes, Jarvis, Cave Johnson, Kinnard, Lawrence, Gideon Lee, Joshua Lee, Lincoln, Job Mann, William Mason, Moses Mason, S. Mason, McKennan, McKim, McLene, Miller, Milligan, Montgomery, Morris, Muhlenberg, Page, Parks, Patterson, Dutee J. Pearce, Potts, Reed, Rencher, Joseph Reynolds, Russell, W. B. Shepard, Shinn, Sickles, Smith, Storer, John Thomson, Toucey, Underwood, Whittlesey, Sherrod Williams—80.

NAYS—Messrs. Ash, Beale, Beaumont, Bell, Bockee, Bond, Boyd, Buchanan, Bynum, John Calhoon, William B. Calhoun, Cambreleng, Campbell, Carter, John Chambers, Chaney, Childs, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Connor, Davis, Deberry, Dickson, Doubleday, Dromgoole, Dunlap, Everett, Fairfield, Forester, French, Fry, James Garland, Glascock, Graham, Granger, Grayson, Griffin, Haley, Hardin, Albert G. Harrison, Haynes, Henderson, Hopkins, Howard, Hunt, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jenifer, Joseph Johnson, John W. Jones, Lawler, Luke Lea, Leonard, Loyall, Lyon, Martin, Maury, McComas, McKeon, Mercer, Morgan, Owens, Parker, Patton, Phelps, Phillips, Pickens, Roane, Robertson, Shields, Spangler, Standefer, Steele, Taliaferro, Towns, Turner, Turrill, Vanderpoel, Ward—83.

The question was then taken on Mr. PATTON's motion to suspend the rules, for the purpose stated, and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Ash, Bailey, Beale, Beaumont, Bell, Boyd, Buchanan, Bynum, John Calhoon, Campbell, Carter, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Connor, Darlington, Davis, Deberry, Dickson, Doubleday, Dromgoole, Dunlap, Everett, Fairfield, Forester, Fry, James Garland, Rice Garland, Glascock, Granger, Graves, Grayson, Griffin, Haley, Hamer, A. G. Harrison, Haynes, Holsey, Hopkins, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jenifer, Joseph Johnson, Richard M. Johnson, John W. Jones, Lawler, Lay, J. Lee, Thomas Lee, Luke Lea, Leonard, Loyall, Lyon, Martin, Maury, McComas, McKeon, McKim, Mercer, Morgan, Muhlenberg, Owens, Parker, Patton, Dutee J. Pearce, Phillips, Pickens, John Reynolds, Ripley, Roane, Robertson, Rogers, William B. Shepard, Augustine H. Shepperd, Shields, Spangler, Standefer, Steele, Taliaferro, Towns, Turner, Turrill, Washington, Wise—89.

NAYS—Messrs. J. Q. Adams, Chilton Allan, Heman Allen, Anthony, Banks, Barton, Bean, Beardsley, Bond, Boon, Borden, Briggs, Brown, William B. Calhoun, Casey, George Chambers, John Chambers, Childs, Corwin, Craig, Cramer, Cushing, Cushman, Denny, Dickerson, Efner, Evans, Farlin, French, Philo C. Fuller, W. K. Fuller, Gillet, Grennell, J. Hall, Hiland Hall, Hannegan, Hard, Hardin, Harlan, Samuel S. Harrison, Hawkins, Hazeltine, Henderson, Hiester, Hoar, Howell, Hubley, William Jackson, Janes, Jarvis, Cave Johnson, Benjamin Jones, Kinnard, Lane, Lansing, Lawrence, Gideon Lee, Lincoln, Abijah Mann, Job Mann, William Mason, Moses Mason, Samson Mason, May, McKennan, McLene, Miller, Milligan, Montgomery, Moore, Morris, Page, Parks, Patterson, Phelps, Potts, Reed, Rencher, Joseph Reynolds, Russell, Shinn, Sickles, Slade, Smith, Storer, Taylor, J. Thomson, Toucey, Underwood, Vanderpoel, Wardwell, Webster, Weeks, White, Whittlesey, Sherrod Williams—96.

CONTESTED ELECTION.

Mr. SPANGLER (who voted in the majority) moved to reconsider the vote respecting the motion made by Mr. BYNUM to allow Mr. Newland to appear before the House by counsel, on the subject of his petition for a seat in the place of Mr. GRAHAM, of North Carolina.

The motion to reconsider was received and laid over.

NEW YORK TRADES UINON.

The motion heretofore made by Mr. HIESTER to reconsider the vote referring to the Committee on Roads and Canals the memorial of the New York Trades Union, in reference to the hours of labor required by the superintendents of the public works, was taken up.

Mr. HIESTER said that, in explanation of the vote he intended to give on the motion now pending, he thought it proper to state that he made that motion at the solicitation of an honorable member of the House, as an act of courtesy to the gentleman from New York, [Mr. MOORE,] in order that he might again have the vote of the House on the reference he desired. When, on Monday last, that gentleman presented the memorial in question, and asked its reference to a select committee, apprehending that, if it was so referred, a report would probably be made, calculated to foster and encourage the agrarian and levelling spirit which, in my opinion, is already too prevalent in the country, I, in order to arrest in its incipiency what I believed to be an evil, moved to lay the petition on the table. This motion having failed, and the gentleman's motion also failing, I voted for its reference to the Committee on Roads and Canals, because I then thought that the subject legitimately belonged to that committee. I still entertain the same opinion. I doubt, Mr. Speaker, whether there is a gentleman on this floor more conversant with the public improvements of the country than the chairman of the Committee on Roads and Canals, or who understands better what is due from the Government to the laborers employed on public works. And I am sure there is none more willing than he and his associates of the committee to do what is expedient and right in reference to the subject-matter of the petition. For these considerations, I shall myself vote against the reconsideration.

Mr. EVANS moved to lay the motion to reconsider on the table; which was agreed to.

The hour of one o'clock having arrived, the CHAIR announced the special order, being the appropriation bills.

Mr. BOYD moved to suspend the rule for the purpose of considering the report of the Committee of Elections on the contested election from North Carolina.

Mr. GRAYSON moved to amend the motion by suspending the rules for the purpose of proceeding with the reception and disposition of petitions; which was agreed to.

AFRICAN COLONIZATION.

The next business in order, lying over from Monday last, was the following:

Mr. CLARK presented the memorial of a public meeting of sundry citizens of Dauphin county, Pennsylvania, held at Harrisburg, praying Congress to make an appropriation for the purpose of removing to the coast of Africa free negroes and manumitted slaves; and that if, in the opinion of Congress, the constitution should not authorize the appropriation, such measures may be taken to procure an amendment of that instrument as may be calculated to ensure the objects of the memorialists.

Mr. C. moved that the memorial be referred to a select committee, and printed.

Mr. PATTON moved to lay the memorial on the table, together with the motion to print and commit; and that motion was the pending one.

Mr. DENNY asked the general consent of the House to move that the whole subject be postponed till Monday next, as his colleague [Mr. CLARK] was unavoidably absent; which was accorded, and the motion was agreed to.

Numerous petitions and memorials were then presented.

RECESSION OF THE DISTRICT OF COLUMBIA.

Mr. ROBERTSON asked the consent of the House to submit the following resolution:

Resolved, That the Committee on the District of Columbia be instructed to inquire into the expediency of ceding the said District back to the States of Virginia and Maryland, respectively; and to report specially—

1. The prominent objections, if any, to the validity of such cession.

2. The advantages or disadvantages likely to result from this measure (if adopted) to the said States, to the District itself and its inhabitants, or to the United States.

3. The reservations and provisions that should accompany such cession, with a view to the permanent continuance of the seat of Government in the said District; the entire protection and preservation of the property of the United States therein, and the attainment of such other objects as the committee may deem necessary and proper, to guard the rights and interests of all; and that the said committee have power to send for persons and papers.

Objection being made, Mr. ROBERTSON moved to suspend the rules, in order to enable him to submit his resolution.

Mr. R. GARLAND called for the yeas and nays; which were ordered.

Mr. BOULDIN said, as the question was an important one, and the House was thin, he would move a call of the House.

The motion was negatived: Ayes 40, noes 68.

No quorum voting, Mr. WHITTLESEY renewed the motion for a call of the House; which was ordered.

After proceeding some time, on motion of Mr. VANDERPOEL, the further proceedings under the call were suspended.

The question was then taken on suspending the rules, and decided in the negative: Yeas 71, nays 114, as follows:

YEAS—Messrs. Beale, Beaumont, Bell, Bouldin, Bunch, John Calhoon, Cambreleng, Campbell, Carter, Chapman, Childs, Nathaniel H. Claiborne, Coffee, Connor, Corwin, Craig, Cramer, Davis, Doubleday, Fairfield, Forester, Philo C. Fuller, James Garland, Rice Garland, Glascock, Grayson, Griffin, Hiland Hall, Hannegan, Albert G. Harrison, Holsey, Hopkins, Huntsman, Henry Johnson, John W. Jones, Lawler, Lay, Luke Lea, Loyall, Lyon, Abijah Mann, Martin, John Y. Mason, Moses Mason, Maury, McComas, McKeon, Moore, Owens, Page, Parker, Patton, Pickens, Rencher, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Russell, Shields, Standefer, Steele, Taliaferro, Thomas, Turner, Ward, Wardwell, Webster, Lewis Williams, Wise—71.

NAYS—Messrs. Adams, Heman Allen, Ash, Ashley, Banks, Barton, Beardsley, Bond, Boon, Borden, Briggs, Brown, Buchanan, Bynum, William B. Calhoun, Carr, Casey, G. Chambers, John Chambers, Chaney, Cleveland, Coles, Cushing, Cushman, Deberry, Denny, Dickson, Dunlap, Efner, Evans, Everett, Farlin, French, Fry, W. K. Fuller, Galbraith, Gillet, Granger, Graves, Grennell, Haley, J. Hall, Hamer, Samuel S. Harrison, Hawkins, Hazeltine, Henderson, Hoar, Howard, Howell, Hubley, Hunt, Huntington, Ingersoll, Ingham, Jabez Jackson, Janes, Jarvis, Jenifer, Joseph Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawrence, Gideon Lee, Joshua Lee, T. Lee, Leonard, Lincoln, Logan, Job Mann, William Mason, Samson Mason, May, McCarty, McKennan, McKim, Mercer, Miller, Milligan, Morris, Muhlenberg, Parks, Patterson, Dutee J. Pearce, Phillips, Potts, Reed, John Reynolds, Schenck, A. H. Shepperd, Shinn, Sickles, Slade, Sloane, Smith, Spangler, Storer, Sutherland, Taylor, John Thomson, Toucey, Underwood, Vanderpoel, Vinton, Washington, Weeks, Whittlesey, Sherrod Williams—114.

REMOVAL OF OBSTRUCTIONS AT HAVRE DE GRACE.

Mr. TURNER presented the memorial of a large and respectable portion of the citizens of Harford county, Maryland, praying that an appropriation may be made for removing obstructions at or near the head of the bay below the port of Havre de Grace, and causing the channel to be deepened. Mr. T. said: Mr. Speaker, the substance of this memorial is of such a character that it speaks for itself; but I cannot forbear saying that the magnitude and importance of its object are such as redound to the credit of the memorialists. The enterprise is one which, if carried into effect, will do much to promote the interest, not only of the citizens of Havre de Grace and its vicinity, but of the citizens of the great States of Pennsylvania and New York, by creating an export market immediately at the mouth of this magnificent river, where all the great mass of produce that descends the Susquehanna for hundreds of miles from the interior of a rich and fertile country, abounding in wealth, must concentrate, and ultimately make the town of Havre de Grace what it ought to have been years ago. I therefore move that the memorial be referred, without reading, to the Committee on Commerce, under a full assurance that they will give it that due consideration that its importance demands.

[The remainder of the sitting was consumed in the reception of a large number of resolutions of inquiry, until the hour of adjournment.]

TUESDAY, MARCH 8.

Mr. DIXON H. LEWIS, a member of the House of Representatives from the State of Alabama, appeared, was qualified, and took his seat.

Mr. BOON moved to suspend the rule for one hour, for the purpose of enabling the standing committees to report.

Mr. HALEY moved to amend the motion, by including the presentation of resolutions; which was negatived.

Mr. Boon's motion was also disagreed to.

Mr. BOON then moved to suspend the rule, in order to enable him to make a report from the Committee on the Public Lands; which was negatived.

LAUNCHING FRIGATE COLUMBIA.

Mr. JARVIS said that it had been announced in the morning papers that the frigate Columbia would be launched from the navy yard in this city to-morrow at eleven o'clock. As many of the members had never witnessed the launch of a ship, and particularly of a vessel of war, and might desire to do so, he would move to suspend the rule in order to enable him to submit a motion, that when the House adjourns to-day, it would adjourn to meet to-morrow at 2 o'clock, P. M.

The motion to suspend the rule was agreed to; when Mr. J. submitted the motion indicated.

Mr. HIESTER moved to amend, by substituting one for two o'clock; which was negatived.

Mr. HALL, of Vermont, moved to amend the motion, by proposing to adjourn over from this day to Thursday.

Mr. HOPKINS said that it had been announced in the morning papers that the ship Columbia would be launched at the navy yard to-morrow morning at 11 o'clock. There could then be no necessity for the adoption of the resolution itself, and still less for the amendment proposed by the gentleman from Vermont, [Mr. HALL.] On the contrary, those members who chose to do so would have an opportunity of seeing the vessel launched, without an adjournment, and might return to their seats in this House, without prejudice to the public business. He could not, therefore, justify it to himself to vote for the proposition, and hoped that the question might be taken by yeas and nays.

Mr. BROWN moved to lay the resolution and amendment on the table; which was negatived.

Mr. HALL's amendment was then agreed to: Ayes 118, noes not counted.

Messrs. CONNOR and CUSHMAN simultaneously called for the yeas and nays on the adoption of the resolution as amended.

On a count by the CHAIR, there appeared 28 for and 141 opposed to taking the question by yeas and nays; but, before the decision was announced,

Mr. SHEPPERD asked for tellers, and the same being appointed, and a count being had, there appeared 27 in favor and 155 against taking the question by yeas and nays; and they were accordingly not ordered.

The resolution was then agreed to.

MILITARY ACADEMY.

Mr. HANNEGAN moved a suspension of the rules, for the purpose of offering the following resolution, which was read from the Clerk's table. Mr. H. remarked that he did not expect many votes in favor of it from gentlemen who were in the habit of having their sons, brothers, and kinsmen, educated at West Point.

Resolved, That the report of the select committee appointed during the last Congress to investigate the affairs of the West Point Military Academy be withdrawn from the files, and that ten thousand copies thereof be printed.

Mr. H. asked for the yeas and nays on his motion to suspend; which the House refused to order, and the motion was negatived without a count.

CONTESTED ELECTION.

The House then took up the motion of Mr. SPANGLER to reconsider the vote whereby the motion of Mr. BYNUM, that the petitioner, David Newland, have leave to appear and address the House by counsel, was rejected.

Mr. SPANGLER called for the yeas and nays on his motion; which were ordered.

Mr. S. said it had not been his intention to debate the question of the contested election before the House, nor was it then his intention to do so, further than to state, in a few words, the reasons which had induced him to make the motion for a reconsideration of the vote whereby the House had determined, on Saturday last, that it would not permit the petitioner to be heard by counsel. As he had stated, when he made the motion to reconsider, he had voted with the majority on that occasion. He had done so without having given much examination and but little reflection on the subject. He had since become satisfied that he had voted erroneously, and he wished to have an opportunity of making known to the House and to his constituents the conviction that he had voted erroneously on that question. He had not the vanity to suppose that, with that motion, or any thing he could say, he could influence the opinions of any gentleman. He was too humble and obscure an individual to influence the opinions of gentlemen upon that or any other question; but he wished to change his vote, and make known to the House that he had changed his opinion. After the vote had been taken on Saturday, upon the proposition to allow the petitioner to be heard by counsel, and it had been rejected, a gentleman from North Carolina [Mr. BYNUM] rose, and stated to the House, and no doubt correctly, that the precedents showed that, in every case like the one before the House, where counsel had been asked, it was always granted. He took it for granted that that gentleman was correct; and if such be the fact, he was unwilling, by any act of his, to reverse the decisions of the House heretofore made in cases similar to the one then before them. He saw no good reason for departing from precedents heretofore had on similar occasions. One reason why he had changed his opinion was, that he had no doubt that the decisions heretofore had were made from good and sufficient reasons; and until some reason could be shown for departing from those precedents, he was unwilling to make the pending case an exception from all others. But there was another fact disclosed, which, to his mind, furnished additional reasons why the House should adhere to former practices, and one of which he was not apprized, which was that the petitioner did not belong to that profession which would place him on something near an equality with the sitting member, provided he could be admitted. And it had been truly remarked, on a former day, that if the petitioning gentleman did not possess that qualification, the privilege of being heard would be useless to himself, and useless to his constituents. Such being the case, he confessed that he was dissatisfied with the vote which had been given; he honestly believed that he had voted erroneously, and he wished to let his constituents know that he was dissatisfied with that vote. He would embrace the present opportunity of stating to the House that on yesterday, after he had submitted the motion for a reconsideration, he was requested by the petitioner to withdraw it, the petitioner stating to him that he had informed his counsel that his services would not longer be required, and had discharged him. He made that statement in fairness to the petitioning gentleman; but, nevertheless, he could not withdraw his motion. He had two objects in submitting the motion: one was, so far as his vote was concerned, to extend to the petitioning gentleman the benefit of being heard by counsel; the other was, as he had before stated, that he believed the vote rejecting counsel was wrong, and that if a majority of the House would concur with him they would reverse that decision. That decision had been recorded on the journals by yeas and nays, and would go to posterity as the decision of the House on that very important question. He was unwilling, so far as his vote was concerned, that that decision should remain, and therefore he wished it reversed. His feelings would have induced him to comply with the request of the petitioner in withdrawing his motion to reconsider, if he could have done so with propriety; but, as it was, he could not consent to do so. He had not risen for the purpose of detaining the House with a speech; it was what he had never yet done. He had stated the reasons why he could not withdraw his motion to reconsider. He wished an opportunity of changing his vote, and it would be for other gentlemen to determine whether the vote of Saturday last was right or wrong.

Mr. GRENNELL said the vote given on Saturday last upon the question was so full, and apparently so decisive, that he had supposed it would stand as the deliberate and final judgment of the House. The proposition was, that the gentleman claiming the seat against the sitting member should be allowed to appear and address the House by counsel. The vote had been taken, not without consideration, and after reference to parlia-

mentary precedents; indeed, after all those measures of inquiry, investigation, and argument, usually resorted to on such occasions. He would be happy to enable the gentleman from Ohio, [Mr. SPANGLER,] for whom he entertained sincere respect, to change his vote and to record it anew; but it seemed to him that a due regard to the public business required them to stand by the decision of the House, unless they were urged by strong reasons to reverse it.

Why, in a case of this nature, of a contested election, should counsel be admitted on this floor? It had been said that former decisions were in favor of allowing legal counsel at the bar of this House in such cases. He must say, however, that, since he had the honor of a seat in that House, many cases of contested elections had been before them, and, in some of those cases, one or both parties were not of that profession which, it was argued, gave peculiar advantages, and he had never known counsel admitted, nor ever known the demand for the privilege made. The House had got along without the intervention of lawyers. But gentlemen had gone back thirty or forty years for precedents. What might have been the policy of granting counsel at an early period of the Government, he would not attempt to inquire. As his colleague [Mr. REED] on a former day had remarked, the members of this House were less then than at present they are, and the press of public business much less, and the tedious discussions of lawyers here could better be endured. It had been said the petitioner was not a member of the legal profession, and therefore ought to have the privilege of legal counsel—an insufficient reason in a case of that character. Whether a farmer or a lawyer, he should neither gain nor lose by his occupation.

In order to magnify the importance of the demanded privilege, or, as it had been called, the right of counsel, the petitioner had been spoken of as a gentleman having in charge the interests of 40,000 freemen, and as claiming to be the asserter of their constitutional rights and interests. Mr. G. said he would speak of the petitioner with respect; but the plain state of the case was this: a gentleman [Mr. GRAHAM] had been returned as a member duly elected by his district; the petitioner contested his right to the seat, claiming to have received a greater number, perhaps a few more than half, of the legal votes given. But his right to be recognised as the representative of a great constituency remained to be proved; he was to be held to prove facts and show legal and sufficient reasons for displacing a member of that House. Nothing was to be assumed for him, but every thing to be proved. The petitioner came there claiming a seat, because it was an honorable station—a more honorable one he did not know. But other interests were involved, and of higher and more important bearing than those which were merely personal to the parties. If the petitioner obtained the seat, he would be a lawmaker, not for his own district alone, but for the whole people. He would be not merely the representative of that district, but, in a sense, of Mr. G's constituents. These considerations made the questions arising in this contest matters of high concernment to every member of the House, and imposed an obligation on all to investigate fully and decide deliberately and justly. And, to this end, was it necessary or expedient to bring in lawyers to the discussion? It was taking a very narrow view, to suppose this contest a mere personal matter between the petitioner and the sitting member. He took a more extended view of the matter, and did not wish to see the relation of client and advocate on that floor, as in a petty case of property before a court and jury; nor to listen day after day to the arguments of a retained and hired counsellor. He wished to hear no gentleman there who did not owe fidelity to that constitution which each member of that House had sworn to maintain. The counsel of a party owes fidelity to his client. Would he feel bound to an equal and impartial discussion, indifferent as between the parties to the contest?

Sir, said Mr. G., would it be favorable to the orderly and decorous transaction of the business of the House to admit advocates on the floor to mingle in discussions with members? Scenes might occur, in the course of discussions between members and the advocates introduced and placed on a level with them, of an unpleasant or disorderly character. The rules of the House were made for the government and guidance of its members, and might not be found suited to restrict members of the bar, animated with an ardent, though honest, zeal in their client's cause. Without going into a detail of the inconveniences that might ensue, Mr. G. put it to the House, whether it would be fitting, not merely as it regarded themselves, but the people whom they represented, to permit such a relation as that he spoke of to exist. When constitutional questions were to be debated there, they had no interest to bias them. And the presumption was, there were enough to discuss and decide them, without the aid of retained counsellors. Let it be borne in mind, an office is in view, which, in our consideration, is something more than a franchise, a property; it is a high public trust, to be exercised for the interest of the whole people.

Mr. G. said that the House was, or would be, in possession of all the facts in the case of the contested election. His position, then, was, that the House, of itself, has the ability to understand and apply the principles of the constitution and the law, by which it was to be governed. Another position was, that the House had motive enough to judge and to decide truly and justly on the election; for they owed obligations to their country and their conscience. The principal reason he had heard urged for admitting counsel was, to place the parties on the footing of equality before the House. The sitting member was said to be a lawyer, the petitioner not; and this circumstance created a disparity, a disparity which the House could not recognise, a disparity unknown to the constitution. Equality of position was the object with gentlemen. Was it hence concluded that the House felt the necessity of counsel? If so, let the ablest counsel be retained by the House. It was not enough that the petitioner thought *he* needed such aid. If it is not necessary for *us*, said Mr. G., it is not for the petitioner. One of the contesting gentlemen was a debater, the other was not. But how was equality of position on the floor to be attained? It would not follow, if both were lawyers, that they would be on a footing of perfect equality, because one may be a sound lawyer and an able advocate, while the other might be but a superficial wrangler in the courts. In such a case, there would be manifestly no equality in regard to the power of the individuals to present their constitutional claims. The House, then, must decide upon the debating qualities of the parties, and allow the weaker the privilege of counsel. And the result would be, you must admit counsel in cases of this character to any extent; an evil not to be tolerated.

This point of equality had been insisted on by his honorable colleague, [Mr. ADAMS,] who had gone to courts of justice to illustrate its importance, and had supposed a case of a suitor, aided by one of the first lawyers in the land, in opposition to an humble individual, who had nothing but the justice of his cause to sustain him; and though the court and jury were capable and honest, yet that, nine times in ten, the cause would be decided in favor of the man who had the great lawyer. Mr. G's experience and observation in courts had led him to a different conclusion; not that counsel, and able counsel, was useless. But he had witnessed always

great concern and care in learned judges and honest jurors to protect the weak and defenceless against the powerful and talented. And the latter were often known to contend with the former at a disadvantage, and for very obvious reasons. An upright and able court will see to it that the poor and powerless loses nothing of the law that belongs to his case; and a jury will take care that the justice of his cause on the facts shall be established, and this, too, from the power of sympathy, so common and active in the human breast. He had often seen the poor and helpless before judicial tribunals triumph, by the simple justice of his cause, against the rich and powerful, aided by great legal talents. Should he be told that this argument proved too much, viz: that great legal talents were useless in the trial of causes, it was enough for him to know that, when the facts of a case can be fully and plainly disclosed before an upright and enlightened tribunal, there is no danger that injustice will be done, provided sufficient time be allowed to it for the examination of the legal principles involved. Mr. G. said all the facts concerned in the case of the election were before the House; about them there could be no controversy. He had said all that was needful on the ability and integrity of the House in the judgment it may form on all constitutional questions.

If counsel were to be brought before the House on the present occasion, it would be difficult to see why it should not be done on a thousand others that might arise. How could we deny it to persons having private claims before Congress, of great amount, and involving legal or constitutional principles? It could not with reason be denied. It was true, one case had occurred since he had been a member of the House, in which a party appeared at its bar with his advocate. It was the case of Houston, arraigned for a breach of privilege, in assaulting a member for words used in debate. But, then, every reason existed for the concession. It was, to all intents, a criminal proceeding, and might have led, on conviction, to an infamous punishment, to the privation of personal liberty of the respondent. Besides, the House might be said to be the offended party, the prosecutor and the trier of the cause. Counsel, in such case, could not be denied. It is needless to dwell for a moment upon the difference in character between that case and the present.

The petitioner would be admitted to a seat on the floor of the House. In this there would be a fitness, perhaps a sort of necessity. If he felt incompetent to address it, he could present his views in written or printed form. He had been fully heard before the committee, through very distinguished counsel, who had been able to place and defend all his rights before them; and that committee had made report in his favor. This House, then, were sure to be in possession of all the facts and of every legal and constitutional principle appertaining to his case. The committee would feel bound to sustain their report, if it was well grounded, and under all the lights that wise and able counsel could impart. Mr. G. would be the last member on that floor to withhold from the petitioner the smallest of his rights; but, believing he had had awarded to him every just privilege, he could go no further.

The CHAIR here informed the House that the hour had arrived for proceeding to the special order of the day.

Mr. A. H. SHEPPERD moved that the rules be suspended, for the purpose of proceeding in the consideration of the contested election question; which was disagreed to.

SUFFERERS BY FIRE IN THE CITY OF NEW YORK.

Mr. LAWRENCE said it was now between two and three months since a bill had been reported to that House for the relief of the sufferers by fire in the city of New York, and it was hoped by the friends of that measure that it would have been acted upon long ago. The time had now arrived, as he remarked the other day, that those who had suffered by that calamity should know what they had to depend upon from that House; and he now rose, throwing himself upon its indulgence, in behalf of these sufferers, asking the House to sustain him in the motion he was about to make, for the purpose of taking up that bill, and making, he hoped, a final disposition of it that day. He was assured the friends of the bill had no desire to debate it further. Mr. L. then made the motion indicated, that the rules of the House be suspended, for the purpose of taking up the bill for the relief of the sufferers by fire in the city of New York.

Mr. PEARCE, of Rhode Island, was understood to express a hope that the House would delay acting on the bill till some further information had been furnished.

Mr. CAMBRELENG would only remark that the public interest was as deeply interested in this bill as in the special order, and he hoped the motion would prevail.

Mr. HARDIN asked for the yeas and nays; which were ordered; and the result of the vote was: Yeas 139, nays 67, as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ash, Ashley, Bailey, Banks, Barton, Beardsley, Bockee, Bond, Boon, Borden, Bouldin, Briggs, Brown, Buchanan, William B. Calhoun, Cambreleng, Carr, G. Chambers, John Chambers, Chapin, Childs, Cleveland, Coffee, Corwin, Craig, Cramer, Crane, Cushing, Davis, Dickerson, Dickson, Doubleday, Dromgoole, Dunlap, Evans, Everett, Fairfield, Farlin, French, Philo C. Fuller, William K. Fuller, James Garland, Rice Garland, Gillet, Glascock, Granger, Grennell, Haley, H. Hall, Hamer, Hard, Harper, Albert G. Harrison, Haynes, Hazeltine, Henderson, Hiester, Hoar, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Richard M. Johnson, Cave Johnson, Henry Johnson, Judson, Kennon, Kilgore, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Love, Lyon, Abijah Mann, Manning, William Mason, Moses Mason, Samson Mason, McKennan, McKeon, McKim, Mercer, Miller, Milligan, Moore, Muhlenberg, Page, Parker, Patterson, Phelps, Phillips, Potts, Reed, Joseph Reynolds, Ripley, Russell, Schenck, William B. Shepard, Augustine H. Shepperd, Shinn, Sickles, Slade, Smith, Spangler, Steele, Storer, Sutherland, Taylor, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Vinton, Ward, Wardwell, Washington, Webster, White, Whittlesey--139.

NAYS—Messrs. Beale, Beaumont, Bovee, Boyd, Bunch, Bynum, John Calhoon, Campbell, Carter, Casey, Chaney, Chapman, Coles, Connor, Cushman, Darlington, Deberry, Efner, Fry, Galbraith Graham, Graves, Grayson, Griffin, Hannegan, Hardin, Samuel S. Harrison, Hawes, Hawkins, Hopkins, J. Johnson, J. W. Jones, B. Jones, Kinnard, Klingensmith, Lawler, Luke Lea, Lewis, Logan, Lucas, Job Mann, Martin, John Y. Mason, Maury, May, McCarty, McComas, McKay, McLene, Montgomery, Morgan, Morris, Owens, Parks, Patton, F. Pierce, Dutee J. Pearce, Rencher, John Reynolds, Roane, Robertsor, Shields, Standefer, Thomas, Underwood, Lewis Williams, Sherrod Williams—67.

So the motion to suspend the rules was carried in the affirmative.

The bill was taken up, the question being on its final passage, and

Mr. CRAIG demanded the previous question.

Mr. PATTON moved a call of the House.

Mr. VINTON said he had voted in the affirmative for

the motion to suspend the rules, on the understanding that the bill should be debated; but if the previous question should be insisted on, he would move a reconsideration of the vote to suspend the rules; whereupon,

Mr. CRAIG withdrew his demand for the previous question.

Mr. EVERETT moved to recommit the bill to the Committee of the Whole on the state of the Union, with the following instructions:

"Strike out all after the enacting clause, and insert the following:

"That on account of the late destructive fire in the city of New York, on the sixteenth day of December last, the collector of the port of New York is hereby authorized to extend to all persons the time of payment of all duties secured at that port, by bonds given before and falling due on and after that day, and to cancel such bonds, and in case such bonds have been paid, to refund the money so paid, out of any money in his hands, upon their giving to said collector new bonds, with one or more sureties, to the satisfaction of said collector, for the sums of the former bonds, payable with interest, (after the time of payment specified in such former bonds,) at the rate of three per cent. per annum, in equal instalments, in one, two, and three years from the said time of payment, or in one year from such time of payment without interest, at their election; which new bonds shall be proceeded with, in all respects, like other bonds taken by collectors for duties due to the United States, and shall have the same force and validity."

Mr. EVERETT said, though in favor of granting relief to the sufferers, he could not bring himself to vote for the bill in its present shape. He thought it could not be sustained on principle, and that the relief granted was too partial in its objects, and too limited in its effects. He was aware, from the large majority by which it was ordered to be engrossed, that it would pass, unless a substitute should be brought forward which should be acceptable to that majority. With him it was no longer an original question; it was no longer a question of choice, but of preference. The substitute offered was not what he would have presented, but had been made under the necessity of the case. He had gone as far as he could go to render it acceptable to the friends of the bill, and offered it as an alternative. To them he appealed, to say whether it would not be more beneficial and more generally acceptable to the commercial interest of New York than the bill; and of those opposed to any relief, he would ask whether it was not less exceptionable in principle?

Mr. E. said, I regret that I was not able to obtain the floor before the gentleman from Rhode Island. Sir, the tendency and effect of his remarks, I fear, have been to confirm the friends of the bill in its support; and to prejudice the House against the favorable reception of any proposition whatever for an amendment. They had been fatigued into an impatience for the question. I have, however, some hope that the amendment, as coming from one who is in favor of granting substantial relief, offered in good faith, and for no collateral purpose, may still be deliberately considered. If the proposition should be acceptable to the friends of the bill, they had the majority—the power to pass it. I desire no delay; if the motion prevails, the House can immediately go into committee, report the amendment, and take the final vote this day. For one, I hope they will sit out the question. Whatever may be its fate, I hope the proposition will be received in the spirit in which it is made.

An apology is perhaps due to the House for not offering the amendment in committee, or in the House before the bill was engrossed. After offering one unsuccessful amendment, I concluded to leave the bill to be shaped by its immediate friends, trusting that amendments from distant friends would be more heeded in a time of need than at that time. Indeed, I did not suppose it possible that the bill would pass in its present shape. I have found myself mistaken; it has passed by a majority so large, that I even derive some hope, from the absolute security it gives of their passing any bill that may give substantial relief, that the substitute may be at least examined. It is now offered as a substitute, to be adopted entire; under the motion, no amendment could be proposed in committee; and when reported to the House, good faith requires that I should not support any amendment that would render it less beneficial to the commercial interests.

By the bill it is left to the discretion of the collector to extend the time of payment on the old bonds, or to require new bonds; and to all who have sustained loss by the fire to the amount of $1,000, an extension of credit is given of three, four, and five years, without interest, and on the bonds of all other debtors of six, nine, and twelve months, with interest at five per cent.

The substitute proposes that new bonds, with sufficient sureties, shall be taken in all cases. It adopts the principle of the second section of the bill, extending relief to all the debtors of the Government on duty bonds; it considers the calamity as affecting severely, directly or indirectly, the entire class of importers who are debtors for duties, and extends equally to all the alternative of a credit of one, two, and three years, with interest at three per cent., or of one year without interest.

The pecuniary benefit, in addition to the convenience of the delay, which both bills confer on the debtors, is the amount of interest that is saved to them by the terms of the credit. The amount of bonds of debtors who have had property destroyed to the value of $1,000 may be assumed at - - - - $1,000,000
And of all others, at - - - - 2,700,000

Making, in the whole, - $3,700,000

A comparison of the effects of the bill and substitute will give the following result of the benefit of a pecuniary character to the debtors:

By the bill, the debtors of the first class save the interest at 6 per cent. on $1,000,000, equated at four years, - - - - $240,000
While all the rest save the interest at 1 per cent. on $2,700,000, equated at nine months, 20,250

And this amount is a loss to the Treasury of - 260,250
By the substitute, the debtors save the interest at 6 per cent. on $3,700,000 for one year, - - - - - - 222,000

Difference, - - - - - $38,250

This difference did not enter into the motive of offering the amendment, yet it will not render it the less acceptable to those who are opposed to the bill. One feature is common to both the bill and the substitute: both place those who have paid their bonds since the fire on the same footing.

One objection to the principle of the bill is, that it is in part founded on mere charitable considerations. The relief granted cannot, to its full extent, be sustained on any other principle than that of gratuity. The bill provides that those who have lost property by the fire to the amount of $1,000 shall be entitled to an extension of payment of three, four, and five years, without interest, on all their bonds, whatever may be the amount. The interest saved is equal to 24 per cent, (compared with New York interest of 28 per cent.) The amount of the benefit received bears no relation to the amount of property destroyed. I regret that we are not furnished with a statement of the bonds and of the losses. We should then

have been relieved from the necessity of reasoning from hypothetical cases. But it is obvious, from this want of analogy between the losses sustained and the relief granted, what must be the effect of this provision. In many cases the sufferers are not only indemnified for their actual losses, but will receive large gratuities over and above the indemnity. I will illustrate the principle, in a case when the loss is $1,000 and bonds $50,000. The 24 per cent. gained on this sum is - - - $12,000
Deduct, for the actual loss, - 1,000

Gratuity, - - - $11,000

And the moment this bill passes, you will have put into the pockets of individuals gratuities of 5, 10, 15, and perhaps $20,000 each. Instead of sufferers, they become gainers by the fire.

The only principle on which I can sustain the bill, in any shape, is that of strict public interest. I lay out of the principle every motive of charity. It, however, is no objection that the course which interest dictates should produce benevolent results. We stand in the relation of a creditor, and, if you please, of a hard-hearted creditor, seeking solely our own interests. We have revenue due, and revenue accruing; and both are put at hazard by the calamity that has befallen the city of New York. Our object is to secure both, with the least loss possible.

One object is to secure the payment of the duties that have already accrued. The bill leaves it to the discretion of the collector to demand further security, or to extend the payment on the old bonds--the substitute requires new bonds in all cases, and thus guards against the loss that may arise from the inadvertence or neglect of the collector. The consideration of additional security does not apply to all the provisions of either the bill or the substitute. The extension of credit to debtors, and a new credit to those who have paid their bonds, are directed to be given: the real character of both is a loan. The principle of obtaining better security applies only to doubtful debts. I do not consider the substitute as deriving much aid from this principle, or from a reference to the situation of particular debtors, but that it can only be supported by considerations of a more general character.

The calamity of the 16th of December affected all the debtors of the Government. Such are the varied intimate relations of debtor and creditor, in a commercial city, no great calamity can fall on a large class of men that does not severely affect the whole. The sudden destruction of a large amount of active capital would create a general pressure on the entire commerce, particularly distressing to those who are debtors, and also on those who stand in the double relation of debtor and creditor. All merchants in active business must feel the pressure, and none more than the importers who are debtors to the Government. No line of distinction can be drawn. The fire may make the immediate sufferer a bankrupt. His bankruptcy may draw after it that of his creditor. Trace out the connexion, and then attempt to draw the line between those debtors of the Government who have suffered and those who have not. An immense capital has been suddenly withdrawn; all the debtors of the Government feel the pressure; and the relief, to be effectual should be as general as the effect of the calamity, so far as it may affect the future revenue of the Government, through the embarrassment of its debtors--and that the substitute proposes to do, by extending to all the same measure of delay; and this, for the sole purpose to enable all to continue their usual extent of importations. In order to insure a future supply of revenue, in the character of an extension of credit and of loans, the capital destroyed is temporarily replaced.

On what terms this capital should be replaced, is a mere question of public interest. In view of the future revenue, we may be considered as standing in the relation of a landlord to his tenants who have been visited by a calamity, which directly or indirectly causes general embarrassment, by which the rent due and accruing is put at hazard. We are then called upon by the motive of interest, and by interest alone, to give such relief as will enable them, not only to pay what is due, but to carry on their farms and pay the rent for the year to come. We have the means--we are under no necessity of calling the money immediately out of the hands of our debtors. On what terms, then, shall the relief be granted? What will best secure the great object in view, the future revenue of the Government? This is the issue between the bill and the substitute.

The bill divides the debtors of the Government into two classes; those who have suffered a loss of property by the fire, whether insured or not, to the amount of $1,000, and those who have not lost any thing, or not to that amount. To the first class, constituting in amount only one-fourth of the debtors, a pecuniary benefit of $240,000; while to the other class, constituting three-fourths in amount, it only gives $19,500. The accommodation to the first as a convenience of time, three, four, and five years, is given; to the others, only six, nine, and twelve months. The bill establishes a criterion by which it determines who shall be deemed sufferers; but preserves no analogy between that criterion and the relief it grants. The substitute distributes among all the debtors a pecuniary benefit of $222,000. The accommodation of time given by the bill to the first class is three, four, and five years, where only six, nine, and twelve months is given to the second. The bill establishes an arbitrary criterion, by which it determines who shall be deemed sufferers--and with equal absurdity preserves no analogy between that criterion and the relief granted. It determines that all who have lost property by the fire, whether insured or not, to the amount of $1,000, shall be entitled as sufferers--to what? To a credit of three, four, and five years, without interest. For the loss of $1,000, a gift is made equal to 24 per cent. on the whole amount of bonds, whatever may be their amount; while on all cases of loss under that sum, only three-fourths of one per cent. is allowed. The substitute proposes no criterion, for the obvious reason, that no satisfactory criterion can be established. It proposes to give a general and equal measure of relief to all, more moderate in extent, but more generally beneficial. To the relief as proposed, and on the principle of loans, I think no constitutional objection can be made; and, I repeat, the terms must depend on our views of public interest.

The substitute is not what I should have originally proposed, but such as I prefer to the bill as engrossed, and which I foresee will pass, unless that or some other substitute shall be acceptable to the majority. They have the power to pass either. The friends of the bill are certain of their majority. The opponents of the bill, generally, would not vote for the substitute as an original proposition; but I would ask them to consider which of the two is to be preferred; and how they can, without inconsistency, vote to adopt the substitute, and yet vote against the ultimate passage of the bill; they may select between two propositions, and yet vote against either.

There is one other view in which I wish to present this subject to the friends of the bill--to the friends of the sufferers by the fire. I will submit to them the consideration, whether the passage of the bill, in its present shape, will not prejudice, whether it may not defeat, the passage of a future bill for the remission of the duties secured on goods that were destroyed by the fire. In

my judgment, such will be the effect; and here I ought, perhaps, to set myself right before the House. I find that on the bill for the relief of the Messrs. Bangs, for relinquishing duties on goods in the original package destroyed by fire, I voted in the negative. Since this discussion came on, I have re-examined the principles of that case. I am satisfied that my vote was wrong. The reasons which induced that vote had passed my mind; but the principal one has been recalled by an argument on this bill. It was then, as now, admitted, that duties on imports were intended as a tax on the consumer; that if destroyed at sea, at the wharf, or while in the custody of the officers of the Government, in conformity with the general principle, no duties could be claimed. They did not go into the consumption of the country; other goods must be imported to supply their place, on which duties would accrue; and the Government lost nothing. Yet it was said, when the owner took the goods into his own custody, they were at his own risk, and the Government ought not to be placed in the light of an insurer. it was said that the owner might insure, and that to him the loss was the consequence of his own neglect; and it was asked, by way of illustration, whether, if indemnified by insurance, he should pocket the duties. The argument denies the principle that duties are a tax on the consumer; the illustration takes it for granted that the insurer has no rights --that the remission could in no event enure to his benefit. But as to this question, the insurer stands in the place of the insured. Take the case of an insurance of $4,000 on the value of the goods, and $1,000 to cover the duties; or, what is the same thing, of $5,000 on the value of goods, including the duties. The goods are destroyed, and before the insurer is called on, the duties are remitted. The insurance is a mere contract of indemnity; and the value insured, less the amount of duties, only could be recovered. Nor is the case changed in principle by the point of time when the duties are remitted; if the whole amount of the insurance were paid before the duties were remitted, the money, when remitted, would belong to the insurer. This principle is familiar in the case of indemnity for foreign spoliations. The Government is not, then, called on to stand as an insurer; the only question is, whether the goods have gone into consumption. The principle is general; but the danger of fraud requires it to be restricted to goods destroyed in the original package. Being thus in favor of the remission of the duties, I am unwilling to vote for a bill which, in my opinion, would and ought to defeat that claim; and why? This bill is solicited by those who may hereafter claim the remission; it grants to them a pecuniary benefit of twenty-four per cent. on all their bonds. When they shall hereafter ask that a part of those bonds shall be cancelled, the inquiry will be necessary whether they have not already received sufficient, over and above all losses, to meet their claim; and this will involve an account of their actual losses; an account which I cannot think the Government at any time, and especially at a future time, will undertake to take. Suppose the amount of the bonds to be $50,000; on this the twenty-four per cent. granted by this bill is - - $12,000

And the amount of actual loss by fire, and that, too, of goods in the original package, to be - - - - - 2,000

The nett gain conferred by this bill is - - $10,000

The importer asks to have this bond of $1,000 cancelled, on the ground that it was given for the duties on the goods destroyed. If this be done, you add the amount to his former gain, $1,000. If this bill passes, I think it will be the only relief the sufferers will ever obtain. If they, however, are content, I have no reason to complain. The friends of the bill, with all those consequences before them, must take the responsibility of passing the bill or the substitute.

Mr. HARDIN opposed the instructions. They were, in his opinion, far more objectionable than the original bill, proposing, as they did, to extend the credit twelve months, without any interest; and for one, two, and three years, at an interest of three per cent. He was at a loss to perceive why the gentleman from Vermont should have opposed the original bill; for his amendment was ten times more favorable to those interested than the bill itself. Mr. H. should vote to recommit the bill, but without these instructions.

Mr. BOULDIN remarked, he would not say any thing upon this subject, if it were not that he had voted to take up the bill a short time ago. This, he said, might be misunderstood by the friends of the bill and his constituents to be an intimation that he would vote for the bill on its passage. He said he would not vote for it in its present shape, or as it was proposed to be amended, or in any shape that he had any hope it would be amended. He merely thought it was time the question was settled. He would vote for it, if so amended as to provide, first, for such cases as those in which the United States were about to lose a debt, in whole or in part, by reason of the fire. This was what any prudent creditor would do. If there were any goods imported, liable to drawback, he was willing to give up the duty on those goods if they were burnt. He said he was an inland man, and not well acquainted with commerce; but had understood that goods brought into this country, and intended to be exported, although the duty was charged on their being brought into the country, yet it was given up if the goods were exported. Were there any goods in this condition he would give up the duty, but he would go no farther.

The right to duty liable to drawback was one not perfect. The bargain was conditional, and the fire put it out of the power of the merchant to perform his part, if he wished to export the goods. The Government had to take the chances against it, and was entitled to the chances in its favor. They stood on the same ground of other creditors. They were mere creditors—their being debtors had been relied on as a ground to authorize the interference of this House. The money proposed to be loaned out or given away was money of the people of the United States, and not of this House. This House had no right to give it away upon objects of charity, whether their debtors or not. We had nothing to do, Mr. B. said, with the money of the people, except to lay it out for their benefit under the law and constitution. We had no right to lay it out in a charitable way. He could see no distinction between this and any case of private misfortune. Whether one or a thousand suffered by accident or providential occurrence, or otherwise, made no difference; only this, if one single individual suffered, he felt solitary and lonely in his misfortunes. If many suffered together, there was something like sympathy to console them. He did not mean that the people of New York had not the sympathy of this House. They had the sympathy of this House and of the country, and he was conscious they had his. But we had no right to gratify our charitable and sympathetic feelings at the expense of the public. He said he had admired the exposition given by Chancellor Wythe, of Virginia, of this text, so much admired, and often quoted: "Charity begins at home;" that is, said Mr. Wythe, we are to be charitable with our own money, and let other people's alone. A guardian had spent his ward's money, and his counsel replied that he was a generous, hospitable, and charitable man. He said we had no right to be charitable with the public money; but if we had, we ought to be equally so to all. We had no more right to give money or indulgence to the debtors of the United

States than to others. Where, he asked, is the difference between the misfortune of the sufferers by fire in New York, and the sufferers by frost in the South? Thousands lost their crops of tobacco and cotton last fall; and why not relieve them? We had, he said, no right or power to relieve either. Yet all have the sympathy of the benevolent and kind; and many have shown, and many will show, their sympathy and kindness, in the way least of all liable to misunderstanding or reproach—by giving their own money to the sufferers.

Mr. PARKS wished to inquire of the Committee of Ways and Means if it was the intention of that committee to bring forward any other proposition on this subject?

Mr. CAMBRELENG replied that his own impression had been, from the beginning, that the duties upon the merchandise destroyed by the fire in New York, in cases of failure of the insurance companies, should have been remitted. From his own experience, however, and looking back to a period of thirty or forty years, he became convinced that no other bill would meet the approbation of that House or the other, and he therefore believed this would be the only one.

Mr. PARKS considered it due to the House that this fact should be known; for rumor had stated that some other measure was to be brought forward; and if this report were correct, it was not treating the House fairly. He hoped this bill never would have the sanction of that House until it was understood to be a final measure.

Mr. UNDERWOOD should vote to recommit the bill, so that it might be amended in such a form as would be acceptable to him, for he was willing to extend such relief as he thought was merited. Mr. U. read a provision he should, in that case, propose.

Mr. JUDSON addressed the Chair substantially as follows:

Mr. Speaker: The bill on your table purports to relieve the debtors of the Government, who suffered by the unexampled conflagration at New York in December last. At this late stage of the debate, it will not be my business to detain the House by adding to the arguments already addressed to its consideration. My only object now is a reply to some of the objections raised by an honorable member from Rhode Island.

The other day, when this subject was under discussion, I listened with much pleasure to the argument of that honorable member, addressed to us with so much ingenuity and force. He brought into the discussion the result of considerable industry and ability; and yet, sir, it is impossible for my mind to subscribe to certain portions of that argument. While I would most cordially unite with him in the eulogium pronounced upon the agriculturists of the country, I do also concur most fully that the class of our fellow-citizens thus allnded to are highly meritorious, and that their interest should always be regarded as important.

The honorable member has told us that he will not say any thing against individual merchants; but, as a body, I did understand him to allege that the merchants living in New York were not entitled to relief, because Arthur Tappan resided in that city. Now, let me ask, is that a valid objection, or a legitimate argument, against the relief proposed to the suffering community by this bill? Let it be tested. Suppose a member should rise in his place, and urge as an objection that the city of New York was visited by the yellow fever or small pox, would that be a good reason against our legislation? Should a portion of the Government debtors, being in New Orleans, be visited by a calamity like the present, and relief be proposed, would this House be influenced by the fact that any wasting disease, with its pestilential influence, had swept over that city? And would that constitute an argument against their relief? As much as I detest Arthur Tappan or his hypocritical cant, I would not vote against this bill because he has seen fit to locate himself in that city.

Another objection urged by the honorable member from Rhode Island is the fact that the members of the Hartford convention assembled at the house of a merchant in Boston the night before their departure. This is a charge now brought against the mercantile community as a body. It does appear to me that this objection is addressed to our prejudices, and not our judgment. I do not agree in this course of debate. It does great injustice to the mercantile community. Whoever may be entitled to the honor or odium of that assembly, it certainly does not belong to the merchants as a body. If you trace it to its true origin, it will probably be found to rest with the statesmen or partisans of that day, whose object perhaps was to overturn a particular administration, and get into power themselves. If this were their principal object, as many believe, even this is by no means chargeable to merchants. In looking over the names of the members, I am not able to recognise more than two merchants. To say, then, that this bill shall not become a law because two or three merchants were members of the Hartford convention, is great injustice to them as a community. It would be much such justice as was administered in a State adjoining the one represented by the honorable gentleman whose arguments have called forth these remarks. There an eminent judge was thrust out of office because he attended the Hartford convention, and another was appointed who actually voted for the bill calling the convention, and, as I believe, one who by his vote sent his predecessor to that body. According to my estimation, arguments like these should not influence us in the discharge of our duty. They have a tendency to create a jealousy and distrust between the three great branches of national wealth and national prosperity. Commerce, agriculture, and manufactures, are these great national resources. They have equal interests, and should have equal support from the Government. Commerce is the channel through which pass all our agricultural products, and our manufactured goods, to their final destination, and through that same channel also are returned to the agriculturists and manufacturer the avails of honest industry. There is, then, a mutual interest between these highly respectable classes, and no discussion here should tend to separate those interests. Pass the bill under consideration, and you will enable those who have suffered by this calamity to go on with their business. You will enable them to discharge the debts they owe the Government, and also enable them to pay the farmers, manufacturers, and mechanics, what is due them.

When it shall become the settled policy to break down either one of these great interests, you will inflict a wound upon the other branches, which will be injurious to the whole country.

Mr. SUTHERLAND warmly and at length supported the bill. The country generally, he was assured, was in favor of it. The very fact of the large cities coming forward only with resolutions instead of money, was a proof that they expected their representatives to act upon the subject; for they had sent those resolutions to them. Mr. S. also replied to the arguments of Mr. PEARCE, and entered into a succinct defence of the principles and provisions of the bill.

Mr. PEARCE, of Rhode Island, replied to Messrs. JUDSON and SUTHERLAND, and those gentlemen briefly rejoined.

Mr. CHAMBERS again addressed the House as follows: I had hoped (he said) that the friends of this bill would have consented to modify it so as to give it the effect finally to dispose of the subject. I have given it all the consideration of which I am capable, and have come to the conclusion that, so far as the persons proposed to be relieved were importers and owners of merchandise

which was consumed by the fire in the city of New York, the duties ought to be remitted. This class of cases presents proper ground for relief; they are clearly cases of failure of the consideration upon which the obligations to pay the duties were founded. The consideration was the permission given to vend the goods within the territory of the United States; of this permission the importers have not availed themselves, and the destruction of their merchandise by the fire has rendered it impossible; they ought, therefore, to be released from their obligations to pay the duties. To that extent, the policy adopted by this Government, of allowing a drawback of the duties upon goods re-exported, sanctions the principle, and I am willing to apply it. And to that it is to come at last; for, notwithstanding the pertinacity with which this bill is urged in its present shape, its advocates avow their opinions, that, in the cases I have designated, the debts ought not to be claimed by the Government. Why not, then, release them now, and have done with the subject? The proportion which ought to be released, under the principle which I have stated, can be ascertained at present with more accuracy than at a future day; in fact, every day's delay will increase the difficulty. But it is said that the speedy adoption of this measure is the only means of avoiding extensive ruin in the city of New York; and the same thing has been urged as often as this bill has been under consideration. There is not time, say gentlemen, to make the inquiries necessary to enable us to discriminate between the cases entitled to be relieved, and those which are not entitled to be so relieved; and but for an intimation from the gentleman from Massachusetts, [Mr. PHILLIPS,] that the Secretary of the Treasury had authorized a suspension of coercive measures for the collection of these bonds, we should have been left to the impression that the debtors were to be held to the utmost strictness in their payments. The friends of the Secretary of the Treasury have not done him justice in keeping out of view what he has actually done in this matter; it ought to have been stated that he had actually directed a suspension of coercive measures for the collection of these debts until the result of the application to Congress should be ascertained. Such, I am well assured, is the fact; and, sir, the act does him honor; it was the benevolent exercise of a sound discretion, for which every just man ought, and every generous man will, award him his unlimited approbation. Why, then, I ask again, such extreme urgency for the final action of the House upon this bill? Would it not be better to recommit it to its friends, and require them to ascertain the proportion of the debts due to the Government which ought to be released, instead of making it a subject of future legislation? Is the time of Congress worth nothing, that it should be thus sported with? Or do gentlemen fear that if the attempt is now made to obtain the entire exoneration of a portion of the debtors for whose benefit this measure is intended, the House may recede from its intention of suspending the collection of the bonds due from those who have sustained no loss by the fire?

This measure, from its commencement, has been singularly conducted. No report has been made from the committee who reported the bill, to which the House can look for information as to the amount of the debts it is called upon to suspend; or the proportions in which they are to be suspended for three, four, and five years, and for six, nine, and twelve months. It is true, the bill now under consideration is one which originated in the Senate, but the bill reported by the committee of this House was equally unsustained by a report of facts; and we have thus been rendered dependent upon the information obtained in debate from the honorable chairman of the Committee of Ways and Means. And what is the consequence? Why, sir, simply that there are gentlemen on this floor who do not now know what amount of debt due to the Treasury will be affected by this bill, or in what proportions it will be suspended in the hands of the debtors for the different periods contemplated. Are gentlemen thus situated prepared to act upon this measure to dispose of four millions of dollars of the revenues of the Government? I have paid some attention to the statements of gentlemen who profess to enlighten the House upon this subject, and yet I am not certain that I know the exact amount stated by the honorable chairman of the Committee of Ways and Means.

[Here Mr. CAMBRELENG rose and stated what he said he had repeatedly stated before as to the aggregate amount of the bonds intended to be affected by this bill, and the proportions in which the different sections would affect it.]

I (said Mr. CHAMBERS) had understood the gentleman to state before that the whole amount due to the Government at New York was four millions of dollars, and that two million seven hundred thousand dollars of that sum would come under the provisions of the second section of this bill; the balance, of course, under the first. From his statement now, it seems that less than one million will be affected by the first section, and, of course, more than three millions by the second. The variance is not very important; the fact, however, is shown, that more than three millions of the sum is to be legislated into the hands of individual importers, who have not lost one cent by the fire. The statement of the gentleman shows the precision and promptitude with which he can distinguish between those who did and those who did not sustain loss by the fire, and makes it manifest that there could be no difficulty in making the discrimination, if we chose to do it. It is, however, intended that all the duties due at the custom-house in the city of New York, on the 17th day of December last, shall remain in the hands of the debtors, regardless of the fact whether they have or have not lost property of any kind by the fire, and, if they have, whether they have been indemnified by the insurers. Why, sir, is this exclusive legislation extended to the city of New York? The gentleman from Massachusetts, [Mr. PHILLIPS,] whose very able and eloquent argument in support of this bill will, in all future appeals to Congress for similar relief, be referred to as the basis upon which they must rest, tells us that our power to grant the relief proposed by this bill is derived from the peculiar relation subsisting betweeen the Government and its debtors; and he distinctly avows that the inhabitants of other towns and cities which do not occupy this enviable relation to the Government cannot bring themselves within the power of Congress to relieve them, however severely they may suffer by a similar calamity. He says: "The Government is under no obligation to the dealer in Cincinnati; it has subjected him to no legislative exactions; it holds him to no peculiar responsibilities; it sustains towards him no other than the ordinary relation between Government and citizen; it is more especially in no sense his creditor; it has no demand against him as a debtor, of whom it is requiring the payment of a debt for which it has given him no equivalent," &c. Now, sir, if the full force of this argument be admitted as to those whose goods on which the duties remain unpaid have been consumed by the fire, how is it to be applied to those who have not sustained any loss whatever? The peculiar, the mystical relationship of debtor and creditor must still be drawn upon to sustain the argument; but foreseeing that it could not be thus supported, the gentleman is driven to the necessity of founding the propriety and the power of granting this relief to that portion of the Government debtors who have not suffered in the slightest degree by the fire, upon the ground that they will thereby be enabled to disseminate it among those who have--among the working classes, the tradesmen,

and mechanics. Upon the merchants, he says, the tradesmen and mechanics are immediately dependent for credit and employment, and in the stability of the merchants "the only hopes of these tradesmen and mechanics are directly and deeply involved." Then, according to the views of the honorable gentleman, the merchants, because of their peculiar relationship of debtors to the Government, whether they are or are not sufferers by the fire, may receive the bounty of this Government, with a view to its distribution, through them, to the laboring classes, "the tradesmen and mechanics." Could not the honorable gentleman, by some similar indirect process, extend his liberality, and the liberality of this Government, to the tradesmen and mechanics of Cincinnati, in case of a similar calamity?

Sir, I protest against this system of exclusive legislation for a favorite class. I can recognise no power to do indirectly that which we cannot do directly; and, more especially, I will not consent to make one class of men the recipients of the favors of this Government, with a view to their extending them to a poorer class. What guarantee can the gentleman offer that his favorite class, the importing merchants, will apply the bounty of this Government to the relief of the laboring classes? None, certainly none. Sir, if we have the power to relieve the suffering poor, if that is the object of this measure, let us march up to it boldly, and do it openly; it needs no cloak. I, for one, want no almoner. Let us be the distributors of our own bounty. If we can relieve them by legislation, let them learn to love and respect the Government which steps in between them and suffering, instead of being taught to consider themselves as only secondary objects of its munificence, and dependent for the distribution of its bounty upon the caprice of others.

Let us examine some of the other inducements to the adoption of this measure which have been relied upon by its advocates. One honorable gentleman tells us that the city of New York pays more than half of our revenue; another, more correctly, says it collects more than half of our revenue; and yet it is sometimes urged by our southern friends, that the South ("the staple States") pays it all. In this view of the subject, sir, the middle and western States, the bread and meat States, are peculiarly fortunate in having nothing to pay towards the support of the Government. Upon this modest assumption, it must be, I suppose, sir, (for I can conceive of no better ground for it,) that we are never taken into the account in the distribution or expenditure of the public treasure. But, to keep a little nearer to the point: What does the argument that the city of New York collects more than half the revenue of this Government prove? Why, that she has the finest seaport of this continent, possesses more than half the commercial capital of the country, and derives all the advantages incident to an import trade, paying annually upwards of eleven millions of dollars into the Treasury of the United States, in the shape of duties. Well may gentlemen call that city "the emporium of the Union," "the London of America," and boast of the investment of their millions in the stocks of the West. It is all true, sir; these advantages, and more, belong to the great city of New York. In its approximation to the wealth and commercial influence of London, it is treading closely in her footsteps in other respects. Yes, sir, power is concentrating there, as well as wealth. We feel it here at this moment; one-sixth part of the two hundred and forty members of which this House ought to consist, (but of which, practically, it never does consist,) are here as the representatives of the State of New York, supporting this measure in solid column. Sir, it is a fearful power in the legislation of this House, when united in support of a local interest, or in opposition to the local interests of other portions of the Union; but her power here is not more sensibly felt than is the power of her Wall street brokers over the money matters of the country. They can in one day reduce the best stocks of the country below par, buy them in the next, and sell them at an advance the third.

The city of New York has her Rothschilds and her Barings, in miniature, who aspire to be the bankers of the twenty-four States of this Union. Yes, sir, and she has her Arthur Tappan, too, about whose residence and employment, during the late war with Great Britain, the gentleman from Rhode Island [Mr. PEARCE] and the gentleman from Connecticut [Mr. JUDSON] seem to have misunderstood each other. I do not know, sir, whether, at that period, he was resident in one of the British Canadian provinces, and smuggling goods into this country in violation of its laws, as one of the gentlemen seems to have understood the other to represent; but whether he was, or not, a smuggler, he is worse than one now; yes, sir, worse than a pirate, for he aspires to mischief on a large scale. In seeking to establish for himself the character of a philanthropist, he is, in effect, plotting the destruction of the happiness and comfort of the colored population of the South, by instigating them to insurrection and murder. A gentleman before me from New York [Mr. G. LEE] says Arthur Tappan does not live in the city of New York. The gentleman is right in disowning him. He ought not to be recognised as a citizen of so respectable a city. Mr. Speaker, I ask pardon of the House for following the example of others in introducing the name of this miscreant, or the subject connected with it, into this debate; it was my intention to have avoided the subject altogether, for I cannot speak of it with the forbearance which I would prefer to observe. I cannot reflect that, while I am here discharging the duties of my station, he and his abolition associates are using their utmost efforts to instigate people whom I have raised with care and indulgence but little short of parental, first to discontent and resentment, and ultimately to imbrue their hands in the blood of my family and neighbors. Sir, such philanthropy, such zeal for abolition, cannot fail to meet its appropriate reward; and when the first drop of blood shall flow under their auspices, let them look well to themselves.

Again, sir, I ask pardon for mentioning this hateful subject, and especially in connexion with the city of New York. I do not do it in disrespect to the inhabitants of that city; far from it. I respect their enterprise, their character for integrity; and more especially I respect the munificent character of their merchants; it is creditable to our country; and I regret that the advocates of their interest here grasp at more than I can, consistently with my views of justice and sound policy, consent to give them; and regret still more the evidence which the passage of this bill will give of the controlling influence of the State of New York in the legislation of this nation. Such a measure could not, in my opinion, be carried in favor of any other portion of this Union. I had intended, sir, to move a recommitment of this bill, with instructions to the committee to report such an amendment as would meet the views I have presented; but am convinced it is useless to do so, and will not further tax the patience of the House by an opposition which will be unavailing.

Mr. TOUCEY said he was convinced that the discussion had been protracted to an unprofitable length, and that it was time it was disposed of; and he therefore demanded the previous question.

Mr. WILLIAMS, of North Carolina, moved an adjournment; not carried: Ayes 66, noes not counted.

The previous question was then seconded by the House, tellers being appointed: Ayes 106, noes 58.

On ordering the main question to be put,

Mr. EVERETT called for the yeas and nays; but they were not ordered; and the main question was ordered to be put, without a count.

The main question was on the passage of the bill; and on that question

Mr. HOPKINS asked for the yeas and nays; which were ordered.

The question was then taken, and decided in the affirmative: Yeas 113, nays 95, as follows:

YEAS—Messrs. Adams, Heman Allen, Anthony, Ash, Bailey, Banks, Barton, Beardsley, Bockee, Briggs, Brown, William B. Calhoun, Cambreleng, Chapin, Childs, Cleveland, Coffee, Corwin, Cramer, Crane, Cushing, Darlington, Dickerson, Doubleday, Evans, Fairfield, Farlin, Philo C. Fuller, William K. Fuller, Rice Garland, Gillet, Glascock, Granger, Grantland, Grennell, Haley, Hard, Harper, Haynes, Hazeltine, Henderson, Hoar, Holsey, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Janes, Jarvis, Richard M. Johnson, Cave Johnson, Henry Johnson, Judson, Kennon, Kilgore, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Love, Loyall, Lyon, Abijah Mann, Manning, William Mason, Moses Mason, Samson Mason, McKennan, McKeon, McKim, Mercer, Miller, Milligan, Moore, Muhlenberg, Owens, Page, Parker, Patterson, Phelps, Phillips, Potts, Reed, Joseph Reynolds, Rogers, Russell, Shinn, Sickles, Slade, Smith, Spangler, Steele, Storer, Sutherland, Taylor, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Vinton, Ward, Wardwell—113.

NAYS.—Messrs. Chilton Allan, Ashley, Beale, Bean, Beaumont, Bell, Bond, Boon, Borden, Bouldin, Boyd, Bunch, John Calhoon, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Chapman, Nathaniel H. Claiborne, Coles, Connor, Craig, Cushman, Davis, Deberry, Denny, Dickson, Dromgoole, Dunlap, Everett, Forester, French, Fry, Galbraith, James Garland, Graham, Graves, Grayson, Griffin, Joseph Hall, Hamer, Hannegan, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Hiester, Hopkins, Jenifer, Joseph Johnson, John W. Jones, Kinnard, Klingensmith, Lawler, Luke Lea, Lewis, Logan, Job Mann, Martin, John Y. Mason, Maury, McCarty, McComas, McKay, McLene, Montgomery, Morgan, Morris, Parks, Patton, Franklin Pierce, Dutee J. Pearce, Peyton, Pickens, Rencher, John Reynolds, Roane, Robertson, Agustine H. Shepperd, Shields, Standefer, Thomas, Turner, Underwood, Webster, Weeks, White, Whittlesey, Lewis Williams, Sherrod Williams, Wise—95.

So the bill was passed.

Mr. PEARCE, of Rhode Island, then moved to amend the title of the bill, by striking out "An act for the relief of the sufferers by fire in the city of New York," and inserting the following: "An act to relieve and confer exclusive benefits upon certain merchants and importers in the city of New York."

Mr. WISE inquired of the Chair if that was a debatable question.

The CHAIR replied that he supposed it was.

Mr. WISE then moved an adjournment; which was negatived.

Mr. KENNON rose to a question of order. The previous question having been moved and seconded, and the main question carried, he could not conceive how any part of the bill could be amended thereafter.

The CHAIR said it was the first time within his recollection that the question had been raised; but his impression was that the title was a distinct part of the bill.

The amendment was then rejected, and the original title agreed to.

On motion of Mr. VINTON,

The House adjourned.

THURSDAY, MARCH 10.

CONTESTED ELECTION.

The SPEAKER, by consent, laid before the House additional testimony, (received through the post office,) in the case of the contested election from North Carolina; which was laid on the table, and ordered to be printed.

The House then resumed the consideration of the motion made by Mr. SPANGLER, to reconsider the vote rejecting the proposition to allow Mr. Newland leave to appear by counsel, in the prosecution of his claim to the seat in the House at present occupied by Mr. Graham.

Mr. GRENNELL, who was entitled to the floor, said he had but little to say, after what he had said on a preceding day. In reference to the motion to admit counsel, he remarked, although the decision might interest the parties personally, yet there were higher considerations which they should secure for the House. An office was in view; a high public trust, which was to be exercised for the good of the whole people, which made it of much higher consideration than a mere personal matter. The evidence was all before the House, and the House had the ability to understand and apply the law and the constitution in the case, and the members were sworn to decide the question truly and justly, according to the requirements of the constitution. But, in relation to placing the parties on a footing of equality, it was said the other day, in order to show the inequality which existed, that the sitting member was a member of the bar, and that the petitioner was neither a member of the bar nor a debater, and hence it was argued that there was a disparity between the parties. It was a disparity, however, of which the House could take no cognizance; it was unknown to the constitution. He asked if the House felt the necessity of counsel for that purpose? If so, the House should employ counsel, and the ablest counsel. If, then, the House did not need counsel, it was not needed for the petitioner. But if equality was the object, it would be a difficult matter to settle, even if both the parties were lawyers; one might be eminent, accustomed to make arguments and discussions in courts of law, and the other might be a silent counsel, and there would be an inequality, although both belonged to the same profession. Inequality would exist; and how was it to be remedied? They could not take professions as decisive. If they were to endeavor to place gentlemen on an equality, the House would be involved in an inextricable difficulty. It seemed to him that the proposition must satisfy every one that the object was unattainable. But did it depend upon the inequality of counsel in courts of law, that suits should be decided for the ablest and against the poorest? His views were different. On the contrary, he had often witnessed the weakest party, with nothing but the justice of their cause, opposed to the ablest counsel, and prevailing under all those apparent disadvantages. But the petitioner need not apprehend any want of counsel in the House, because he would be done ample and impartial justice. Did the facts prove that counsel was of no use? He would remark that counsel was mainly important to see that his client's case was clearly drawn up and presented to the House. And after the facts were drawn up, he would ask where was the vast importance of able counsel? The House had been told that precedents were in favor of counsel; but he must say that for the last thirty years no counsel had been admitted. Cases had occurred more than once where persons had been brought before the bar of the House for trial, and counsel was granted then; but that had been for the best of reasons. Counsel was always allowed in cases of a breach of the peace, in assaulting and beating a member of the House, or for the like offences. The House, of necessity, had to grant counsel in such

cases, because they themselves were the judges and jurors to determine the matter. To deny counsel in such cases, would be taking away that liberty which belonged to an accused. In such cases, it was right. But the present was one of a far different complexion. An office of honor, dignity, and responsibility, was sought; and, if his arguments were correct, which he took them to be, the cases were dissimilar. It seemed to him that the petitioning member had had all the advocates that could, with propriety, be accorded to him, as he had been heard before the committee by eminent counsel. Having been so heard before the committee, and that committee having reported favorably to the petitioner, what more could he ask? Was not the commitee able to present to the House all the facts which the petitioner's counsel spread before them? It seemed to him that all that could reasonably be asked had been granted to the petitioner. If he supposed his rights were invaded, he would be the last man to raise his voice against him.

Mr. A. H. SHEPPERD said, to have a correct knowledge of the matter, it would be necessary to review the circumstances attending the proposition then under consideration. The gentleman from Kentucky made a report from the Committee of Elections, accompanied by a motion that the subject be made the order for a certain day, and that the gentleman petitioning for the seat be permitted to appear and be heard either by himself or by counsel. Some doubts arose as to the propriety of the motion, and, in the mean time, a report came in from the minority of the committee, and a paper from the sitting member. Some dedate ensued, when the gentleman from New York [Mr. Hard] moved that the petitioner be permitted to take his seat within the bar of the House. His colleague [Mr. Bynum] then moved an additional proposition, that upon the main question the petitioner have leave to be heard by counsel. On the next morning after this, a friend of the petitioner informed the House that the petitioner did not wish counsel, and on the next day, again, his colleague, [Mr. Bynum,] after consulting with the petitioner, ascertained that he had changed his opinion. In that state of the case the vote was taken and decided against admitting counsel; and at the earliest possible moment the gentleman from Ohio [Mr. Spangler] came forward and moved a reconsideration. As a matter of justice and consistency to the petitioner, Mr. S. wished the broadest resolution offered which the House could adopt. He was in favor of giving him the greatest privilege; and if a legal question should arise, then he would give him counsel if he wished it. He would let him have it whenever it was needed. If counsel was needed, he would give it without searching over musty records for a precedent. He had great respect for the petitioner, and he knew he was not a lawyer by profession. He sincerely hoped that the House would reconsider its vote, as he did not wish that this negative should apply for the first time to an individual from his own State.

Mr. VANDERPOEL said he was one of those who, a few days ago, voted to allow the petitioner the privilege of appearing by counsel; and with all due respect for a majority of the House, which negatived his request, he must be permitted to say that he was surprised at the result on that occasion. Some very queer arguments had been urged in the progress of this discussion; and if he had not the utmost confidence in the modesty, as well as the patriotism of honorable gentlemen, he would almost be induced to suspect that they were the offspring of self-sufficiency. The substance of the arguments against granting the application of the petitioner was, "We are wise enough of ourselves; we want no instruction from any extrinsic quarter upon any questions, however important, that may come before us; we will depart from precedents established and adhered to by our predecessors ever since the foundation of the Government, because we are wiser than they were, and will deny to the petitioner a privilege which, when requested, has always been granted to every petitioner for a seat here." For, be it distinctly remembered, sir, that there is not a case on record where this privilege to appear by counsel has been denied. If, within the last twenty or thirty years, petitioners in cases of this description have not appeared by counsel, it is only because they have not asked the privilege of doing so. The contending parties have either in most instances both been lawyers, or the points involved have been few and simple, so that neither party deemed it an object to ask for the privilege of appearing by counsel.

What are the principal objections which are urged against the application of the petitioner in this case? It is said lawyers will make long speeches, and we cannot spare time enough to hear these speeches. In his (Mr. V's) humble opinion, we shall not be relieved from long speeches, whether we admit lawyers or not. The talking disease rages so violently here as to preclude the hope that we shall gain the great desideratum of less talk from the exclusion of lawyers in this case, nor need honorable gentlemen apprehend that counsel, if admitted, will preoccupy the whole grouud, and thus leave us nothing to talk about. Who ever knew a subject exhausted here? After forty speeches, *pro* and *con*, topics plenty as blackberries still spring up before the imaginations of honorable gentlemen, and enable us but too often to prove that we were never converted to the maxim, that "brevity is the soul wit."

If we admitted counsel, we might be pretty sure that the controlling points in the case would be presented to us by them. Courtesy and a sense of responsibility would induce honorable gentlemen to listen to counsel; and if the attainment of truth was our object, it would be far more profitable to listen to methodical, well-digested argument of counsel, learned and respectable, as counsel always were, who appeared at the bar of this House, than to crude and desultory lucubrations from other quarters, however honorable. What pledge had we that the points involved in this case were so simple and easy to be disposed of? The honorable chairman of the Committee of Elections, [Mr. Claiborne,] a few days ago hadadmonished him (Mr. V.) most eloquently, not to come to a precipitate conclusion upon the merits of this case, and warned the House that the questions presented by the two reports were complicated and multifarious; and if judges learned in the law deemed it no disparagement to their understanding to hear counsel in all matters upon which they were called to adjudicate, he could see no good reason in favor of our wrapping ourselves in our robes of self-sufficiency, and saying, in a case of such interest, not only to the petitioner, but to the electors of the district where the contending gentlemen reside, "We are too wise to be illuminated by counsel." There was no doubt that the vote a few days ago resulted from the belief that the petitioner did not want counsel. He now tells you, through gentlemen on this floor, that he is desirous to have the aid of counsel, and it would be as unreasonable as it was unprecedented to refuse to gratify him.

The honorable gentleman from Massachusetts [Mr. Grennell] had stated an objection to the allowance of counsel, which, to his mind, was wholly unsound. He says that counsel here would be peculiarly privileged, and would not be subject to the rules of order. This certainly could not be so. If we made an order to admit counsel, it was implied that such counsel should be subject to the rules of order prescribed for the members of the House. He addresses the Speaker or Chairman of the Committee of the Whole House, and is, for the time being, as much subject to the rules of order as any

member here. Counsel have been admitted in parliamentary bodies from time immemorial, and we could not learn that they had ever claimed to be exempt from rules of order, or that they had ever discovered a refractory spirit, unbecoming a member of a legislative assembly. He felt the House called upon, both by principle and precedent, to grant the reasonable request of the petitioner.

Mr. ANTHONY said he was present, and had voted that the petitioner should not be permitted counsel: first, that he did not desire it; and, secondly, that he did not need it. He viewed the case in a different light from some other gentlemen. If the gentleman was brought there on a charge of breach of the peace, it would then be proper that he should be heard by counsel. But the present was a different case. They stood in the relation of counsel to the petitioner, and they had taken an oath to that effect. They were also counsel for the sitting member. He was *prima facie* entitled to his seat, and had taken it. They would give the other gentleman the same privilege on that question, because a certain portion of the people had sent him there to claim his seat. It was the people they were to decide for, because the petitioner was the agent and representative of those people. It was not a personal matter they had to settle, but a matter of interest to the people of the district the petitioner represented. Gentlemen might as well argue that counsel should be employed in every case coming before Congress, as in the present. Some gentlemen might say they did not understand the laws and the constitution in relation to that case. That question was brought up every day, and therefore they ought to have an expounder of the constitution to tell them what was the law and the constitution. Two-thirds of the speakers in the House were not listened to at all; and if they did have counsel, he asked if he would be listened to? Mr. A. said he was counsel, and so was every gentleman counsel in that case, and they would decide not only for the petitioner, but for the people of his district. The petitioner did not ask any thing for himself, but as the representative of the people. There were many persons who came there in the same way, and might on the same grounds ask for counsel. They might say that there was no one to take care of their interests; and why not carry out the principle, and allow every one who had claims on the Government to be heard by counsel? It was paying a poor compliment to gentlemen to say that they cannot understand a question of law in North Carolina, without having feed counsel to give them information and advice. He protested against it. He believed the petitioner would not be deprived of what counsel was necessary from gentlemen who were not only schooled in the laws of the United States, but also schooled in the laws of North Carolina. But the principal reason why he protested against it was that they would have a long-winded argument to consume the time of the House, when they were sworn to decide the case from their own information. He thought they might as well allow a gentleman to say, when a matter came before the House in which his constituents were interested, that he was not able to argue the question, and must be permitted to have counsel. He considered it the right and the duty of the House to settle the matter; and if they allowed the petitioner counsel, they might as well allow any other gentleman on that floor to ask for counsel to argue the cause of his constituents.

Mr. BOULDIN arose to address the House; but

The CHAIR announced the arrival of the hour for proceeding to the special order of the day.

Mr. DUNLAP rose and said that, by the special orders of the House, no measure could now be brought before the House but by a vote of two thirds. He had heretofore voted against making the special orders of the House, because it was placing a bill in which his immediate constituents were interested in a situation that a majority of the House could not act on it, but it would require of him to get a vote of two thirds of the House, which he did not believe he could do but by courtesy. He had risen this morning to ask of the House the favor to suspend the rules and special orders, to enable him to make a motion that the House resolve itself into a Committee of the Whole on bill No. 68, the Tennessee land bill. The bill was one in which his State and immediate constituents were interested; in that not one hour of the time of the House had been occupied in the consideration of this subject since 1829. The House, surely, would now extend the favor to him of taking up this bill: a small portion of the time of this House was due to Tennessee. It not being in order to discuss this motion, he thanked the House for their indulgence in permitting him to make this short statement. He therefore moved that the rules be suspended, to enable him to make his motion.

Objection being made,

Mr. DUNLAP moved a suspension of the rules, to enable him to submit his motion.

Mr. WILLIAMS, of North Carolina, expressed a hope that the rules would not be suspended.

The motion was then negatived, without a count.

SEMINOLE HOSTILITIES.

Mr. R. M. JOHNSON asked the consent of the House to go into Committee of the Whole on the state of the Union, for the purpose of considering certain amendments of the Senate to a bill from the House, entitled "An act for the payment of volunteers and militia corps in the service of the United States."

Mr. J. briefly explained that the amendments in question provided for the appointment of three additional paymasters of the army; a measure proposed in the bill already reported from the Military Committee of the House.

Mr. CAMBRELENG asked the gentleman from Kentucky to withdraw the motion for the present, as he wished to make a report from the Committee of Ways and Means, connected with the same subject.

Mr. JOHNSON assented, and Mr. C. asked the consent of the House to make the report indicated by him.

Mr. BOON wished to amend the motion, so as to enable the standing committees of the House to report generally.

The CHAIR said it was not then in order to make that motion.

Mr. CAMBRELENG then asked the consent of the House, briefly explaining that the report was an additional appropriation of $500,000 for repressing the hostilities of the Indians in Florida, which was imperiously required, from the fact that the funds already appropriated were exhausted, and drafts were constantly coming in which could not be paid.

Mr. BOND objected, and

Mr. CAMBRELENG then moved to suspend the rules; which was agreed to without a count; and

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill making a further appropriation for the repression of Indian hostilities in Florida; which was read twice and committed.

Mr. R. M. JOHNSON then moved that the House resolve itself into a Committee of the Whole on the state of the Union, for the purpose of considering the amendments from the Senate to the bill providing for the payment of volunteers and militia corps in the service of the United States, &c., and also the bill just reported.

Objection being made,

Mr. CAMBRELENG moved a suspension of the rules; which was agreed to, and the motion of Mr. JOHNSON being also concurred in,

The House accordingly went into committee, Mr. MASON, of Virginia, in the chair, on the foregoing bills.

The amendments of the Senate to the bill from the House, to provide for the payment of volunteers and militia received into the service of the United States, were first considered.

After a brief explanation by Mr. JOHNSON, of Kentucky, the amendments were concurred in, with the exception of that which provided for the appointment of three additional paymasters of the army.

Upon adopting the latter amendment, Mr. UNDERWOOD called for a count; when

Mr. JOHNSON observed that, as chairman of the Military Committee, it became his duty to explain the matter in question, by a simple statement of the facts connected with the bill and the amendments. He was reluctant to intrude upon the time of the committee by any remarks of his; but the views of the War Department, of the chief of the pay department, and of the Military Committee, which were in perfect coincidence, ought to be known to every member before giving his vote.

The bill (said he) provides that the militia, when called into actual service, shall receive the same pay as the regular army, and that the widows of such as may die in the service shall receive five years' half pay, and that the widows of such as shall perish in the regular service shall also receive five years' half pay. This bill passed this House, and was sent to the Senate.

Another bill has been reported by the Military Committee, providing for the appointment of three additional paymasters to the army, but it has not yet been acted upon by the House.

The bill which passed the House has been taken up by the Senate, and amended by adding to it the other bill for the appointment of three additional paymasters, and, in that form, returned to the House for its concurrence. The bill, then, as returned from the Senate, presents to us the two bills amalgamated; one of which has already been passed by the House, the other matured by the committee, but not yet acted upon by the House. Though the committee of the House reported two bills to effect the object of the one bill as amended, the Senate did not discover such a want of relation between the two as to render it improper to embrace the whole subject in one bill. The whole is strictly military. It specifies the allowance to be made for military services, and it provides for a sufficient increase of the number of disbursing officers to carry this, together with the pre-existing laws, into effect. There is in it nothing of that complexity calculated to produce confusion; nothing novel or anomalous. The object of a law is lost, without the means of carrying it into effect; and the paymaster general, knowing from practical demonstration the immediate necessity of the measure, requested the amendment to be made by the Senate. The committee of the Senate gave to the subject the same investigation which the committee of the House had done, and arrived at the same conclusion. They incorporated, as an amendment, the same bill, verbatim, which had been reported by the Military Committee to the House. The Senate adopted the amendment, and ask the concurrence of the House. Their object appears to have been, not to counteract the views of the House, but to further them by so accelerating the business as to give efficacy to the measure at the moment when our bleeding country feels its necessity.

It is objected by gentlemen that we have already fourteen paymasters; a number quite sufficient for the payment of an army of but six or seven thousand men. The argument seems specious; and it is admitted that half the number would be amply sufficient for a much larger army, if they were consolidated at one, two, or three stations. But the labor imposed on the paymasters is not proportioned to the number of troops, as the gentleman would seem to intimate. It is proportioned to the scattered situation and the remoteness from each other of the stations occupied by the troops. It requires as much time and labor for a paymaster to perform a journey of five hundred miles to pay three companies at three different stations, as it would to pay three regiments, of a thousand men each, at one station. The present number of paymasters was fixed in 1821, when the number of military stations was much less than they are at this time; and even then, some of our troops, occupying distant posts, were kept out of their pay for more than six months together, and, in some instances, reduced to a state of actual suffering, in time of peace, for want of proper facilities to give them their pay according to law. Our military stations are now greatly extended in their distance, and multiplied in their number. They are spread along our maritime frontier, from Eastport, in Maine, to Florida and New Orleans, in the South; and upon our western frontier, from the Red river, along the western border of Arkansas, Missouri, and on the Upper Mississippi, to Green Bay and Mackinac, in the North, embracing the whole circumference of the United States, and forming a circuit of ten thousand miles. The whole of this circuit must be traversed once every three months by paymasters, or the troops cannot receive their compensation according to the terms of the law under which they enter the service. It is required of each paymaster to prepare pay-rolls, visit every station within his district, pay each person his due, and make his return, properly authenticated, to the paymaster general, for adjudication, once in every three months. The labor has been found to be physically impracticable. Officers and privates in Florida, the seat of recent slaughter, have been deprived of their pay for more than six months together; and it has been stated that the volunteers who acted so gallant a part in the Black Hawk war did not, in many instances, receive their pay for more than a year after their services terminated. In these cases, the fault is not ascribable to the disbursing officers nor to the Department, but to the want of a sufficient number of paymasters to perform the service. Is this the treatment which our heroic army merits from the nation which it defends?

Gentlemen now call for proof of the correctness of the statement. They desire such evidence as shall satisfy them that the present number is inadequate to the service. It is not possible, sir, to subject this to the rules of mathematical demonstration, because it is not a proposition of that nature. But we have sufficient evidence to satisfy the most incredulous mind, if credit is due to the asseverations of disinterested men of the highest honor and trust. The measure is recommended by the President, who is not utterly ignorant of what is necessary to perfect our military establishment. It is recommended by the Secretary of War, who is not unacquainted with the wants of his Department. It is earnestly recommended by General Towson, the paymaster general, who alleges the impossibility of punctuality in paying the army promptly with the present number of paymasters; and it is long experience which has demonstrated to him the truth of the proposition. His veracity is unimpeached and unimpeachable. His character, both as a man and as an officer, will stand every scrutiny. He has no end to answer in this request, but his country's good; and if any other temptation could present itself, no person would suspect him capable of yielding to it. With these authorities, I ask no farther evidence of the necessity of the measure proposed in the amendment. Without it the Government cannot fulfil its stipulations to the army. The money is provided; the appropriation is made; the service is performed; but,

for want of a sufficient number of paymasters, the heroic band is defrauded of its timely dues; the officers and soldiers are reduced to suffering, and the Treasury is not benefited one cent by the delay. And is this true economy? No, sir; it is prodigality. Economy gives sufficient aid to effect the entire object of appropriations. The want of these means is alike destructive to public and private credit, and must end in disasters which years of true economy cannot repair.

The tendency of any measure which has an unjust bearing upon any class of citizens, whatever may be its present prospect, will always end in misfortune. But if any one class merits promptness in meting to them their stipend, it is the army. Their whole allowance is but a scanty competence. They serve not their country for money. They form a bulwark of defence around us, and glory is their reward. Of this they have surrounded themselves with a radiance as lasting as the sunbeams, which the eye of envy can never penetrate; we cannot deprive them of it. The complaint of officers occasionally visiting the seat of Government, whether on duty or on furlough, cannot eclipse their glory, nor pluck one laurel from their brows. Their deeds of chivalry during the late war have covered them with immortal honors; and the character of those who compose this little army, for intelligence and honor, is unsurpassed by any equal number in creation. Why, then, withhold from them their stipulated dues, after they become payable by contract, for the trifling consideration of furnishing a sufficient number of disbursing officers to perform this service?

This measure is but a branch of the system of defence which the safety of our whole interior frontier imperiously demands. The States bordering upon the savages are warranted in the expectation of protection from the tomahawk and scalping-knife. The want of this system has already stained the waters of the Upper Mississippi, and deluged the Illinois with the blood of innocence; and Florida is now bleeding under the hand of savage barbarity; when a small proportion of the moneys which these two wars will have cost, expended in perfecting the system of which this measure is an important branch, would have prevented the catastrophe. The same scenes will be reacted in Arkansas, in Missouri, in our Northwestern Territory, unless the whole system of protection shall be adopted. The destruction of many valuable lives, and the waste of many millions of dollars, will be the certain result; though the annual appropriation of a few hundred thousand dollars, applied in proper time, may prevent the disasters.

Mr. DUNLAP said the House must now see the situation in which it was placed by the amendment of the Senate to this appropriation bill. He would venture to assert that there was not half a dozen members who knew what they were voting for, when they voted to suspend the rules of the House and postpone the special orders of the day, to take up this bill. He was warranted in this assertion from the vote just taken on the motion made by himself, to take up the Tennessee land bill. He had not complained of the House for that vote; he knew well the reason that induced gentlemen to give the votes they did. The special orders contain two bills that the necessity of the Government required the action of this House upon immediately. As to the other bills included in the special order, there was not that necessity for immediate action. Although the House refused to suspend the rules to take up the bill in which his State and constituents were so much interested, we find ourselves voting for a suspension of the rules to take up a bill to increase the number of paymasters. Sir, would any member on this floor have given such a vote, if he had known for what he was voting? How inconsistent must he have been, to vote to postpone the navy and fortification bills, since we have so often been told the public service is suffering for the want of money to be appropriated by those bills, and to take up a bill to increase the number of paymasters! Mr. D. said the House had voted for the caption of the bill, without any knowledge of what amendments had been offered by the other branch of the Legislature. The House believed they were voting to take up a bill "for the payment of volunteer and militia corps in the service of the United States." The bill had passed this House without any opposition. There was not a member that would for one moment withhold from that gallant band of soldiers now engaged in the service of the United States in Florida in putting an end to the cruel and savage war of the Seminole Indians, any thing to which they are entitled.

Mr. D. said, in what situation are we who are opposed to the increase of paymasters? We are liable to be charged of opposing the bill appropriating money to pay the gallant sons of the South, who did not wait, when their country needed their services, to be draughted; but, sir, the only draught was, who should stay at home—all, yes, all were ready, willing, and anxious, to go and fight the battles of their country. He, for one, was unwilling to be placed in such a situation. If this manner of legislation is adopted, of putting measures of a different character in the same bill, what will be our situation? Sir, take for example the case now before the House. Suppose a majority of this House shall be opposed to increase the number of paymasters, and non-concur in the Senate's amendment, and the Senate should refuse to recede from their amendment: the House would be compelled either to lose the bill (as the fortification bill was lost last session) or agree to increase the number of paymasters. Mr. D. said he was utterly opposed to such a practice of legislation. It was unparliamentary, and the House should unanimously refuse to adopt such a principle. Mr. D. said, as to the amendment, he desired that its merits might be considered when the bill of this House on that subject came up, and also the bills to increase the engineer topographical corps. It would seem strange to his constituents, that fourteen men were not sufficient to pay quarterly six thousand men what the Government owed them. It was certainly strange to him, if they could not each pay less than five hundred men, although they were stationed over a large tract of country. The facilities of travelling were now very great, much more so than in 1821, when fourteen paymasters were considered sufficient.

Mr. CAMBRELENG hoped the gentleman from Kentucky [Mr. JOHNSON] would not press this amendment. He concurred entirely in the remarks of the gentleman from Tennessee, [Mr. DUNLAP,] that as this proposition had been reported to the House by the Military Committee, in a distinct form, it should not have been attached to the present bill, which should be immediately passed. He was therefore opposed to the amendment.

Mr. WARD said the House was already in possession of all the facts necessary to arrive at a decision on the amendment. He referred to the circumstance, that the present number of paymasters had been found insufficient to pay off the troops promptly, and that frequent delays on that account had taken place, and the officers and troops had gone without their pay for months together. In case of the sickness or death of a paymaster, the duties required of him could not be discharged by any other person, and a vacancy could only be filled by the President, with the consent of the Senate. He was satisfied that the amendment was not only proper, but absolutely necessary, and he therefore hoped it would be concurred in.

Mr. R. M. JOHNSON could see no reason for disagreeing to this amendment. He adverted to the fact that the subject of the present amendment had been urged by

the Department at a former session, as absolutely necessary, and that it had been favorably considered by the Committee on Military Affairs. It had, however, fallen among the unfinished business, and having, by chance or good luck, come up in the shape of an amendment by the Senate to a bill from the House, he could see no reason for setting it aside. The amendment was a literal copy of the bill reported in the House at the last and the present sessions. He was no more interested in the proposition than other gentlemen. He hoped the report of the Military Committee in relation to it would be read; and if a majority of the committee should be in favor of non-concurring in the amendment, he would cheerfully acquiesce.

The report having been read,

Mr. WILLIAMS of North Carolina, remarked that he had originally two objections to this amendment, the first of which was removed in some degree, if not entirely, by the reading of the report; the second, however, remained, and that was the mingling up of different subjects in the same bill. He thought the amendment should be considered in a separate bill, and he hoped it would not be concurred in by the committee.

The question was then taken on the amendment, and there appeared: Ayes 50, noes 61: no quorum voting.

Mr. ADAMS moved that the committee rise and report that fact to the House; which was negatived.

Tellers were then appointed, and the amendment was concurred in: Ayes 72, noes 59.

Mr. CAVE JOHNSON said it appeared that this Florida war was to be made a pretext for the appointment of three additional permanent paymasters.

Mr. JOHNSON, of Kentucky, rose to explain. It was not on account of the war in Florida that this amendment had been made. For the last two years the paymaster general had urged upon Congress the absolute necessity for an increase in the number of paymasters. The Florida war was an additional reason for urging the speedy action of the House on the subject. It had not, he repeated, originated the proposition.

Mr. C. JOHNSON resumed. He thought fourteen paymasters (the present number) amply sufficient to pay an army of six or seven thousand troops. If it should be determined to increase the number, they would have an army of paymasters after a while. As the Seminole war would enhance the duties of those officers for a limited time, he would move to amend the amendment by providing that the three additional paymasters should hold their offices for one year, and no longer.

Mr. R. M. JOHNSON was opposed to the amendment last proposed, and urged at some length the propriety and necessity of increasing permanently the number of paymasters of the army. The paymaster general, a distinguished and honorable officer, had informed them that he could not, with the present force, pay off the troops promptly and punctually. He had called for this increase, and he (Mr. J.) felt bound to take the word of the paymaster general, that it was required by the public service. He trusted, therefore, that the amendment of the gentleman from Tennessee [Mr. C. JOHNSON] would not prevail.

Mr. SMITH said the amendment of the gentleman from Tennessee [Mr. C. JOHNSON] was well worthy of consideration; for, in a bill for an appropriation of a temporary character, the Senate had appended a permanent proposition, without, at the same time, furnishing a single fact of its propriety or necessity. He therefore thought at least the limit ought to be somewhat commensurate with the occasion giving rise to it. If it was a proposition to add those three paymasters for a short period, or to a period approximating the time of the present emergency of the appropriation, objections to it, strong as they then would be, might be waived; but this was not the proper place or occasion to provide for these permanent officers. It was entailing an expense of nearly $6,000 a year upon the country, $1,934 66 being the pay for each of those officers. If he were as convinced of the necessity of the additional paymasters as the gentleman from Kentucky himself, he should vote against their being provided for in the present bill, though he might be in favor of a distinct proposition. If the House should, however, concur in the Senate's amendment, he hoped at least the provision of the gentleman from Tennessee would be adopted.

Mr. MANN said that the honorable chairman of the Committee on Military Affairs [Mr. JOHNSON] had well remarked that this was not a new proposition in the House. True, sir, (said Mr. M.,) to many of us it is an old acquaintance here. The honorable member, who had so long served the country, had not neglected to report a bill upon the subject for the time he (Mr. M.) had served here. The head of the bureau of the pay department had not, Mr. M. believed, neglected his duty in soliciting its passage; and we are now informed that he is a high and honorable man. Be it so, Mr. Chairman. Does this furnish a good reason for the passage of this bill to create these three new offices in addition to the present list of the army—I will not say sinecures? The heads of the military bureaux stationed at Washington were not backward in recommending additional force to their respective corps; and the kindness of heart for which the honorable chairman of the committee is so distinguished leads him to yield to their solicitations sometimes, Mr. M. feared, without that full consideration and investigation which the questions demand.

The honorable gentleman had reported bills to increase the corps of military and civil engineers, the corps of topographical engineers, and, perhaps, as is usual in such bills, "to regulate" (which, in nautical and military language, I find, means to increase) their pay, and to provide clerks and servants to do the business. These bills are also introduced with the pressing recommendation of those distinguished military heads of the respective bureaux over which they preside, appendant to the Department of War; and we shall be told that they are also "honorable men," and therefore we should pass their bills; that the topography and internal improvements of the country cannot move onward unless places are provided for those supernumerary "promising youths" who are annually ingrafted upon the stock of the military aristocracy of the country by the aid of the Military Academy at West Point. These young gentlemen, "more favored of Heaven than the rest of their kind," must be provided for at the public crib, through the instrumentality of these overshadowing bureaux, and sent beyond the mountains to teach the farmers and the hardy yeomanry there how to make roads scientifically. Yes, sir, and how to vote wisely and properly. It is said by some gentlemen that they have not neglected this latter branch of their business so much as to subject them to the censures of their superiors; but that the road-makers have sometimes manifested such a disposition to mutiny, that those "booted and spurred" teachers of scientific road-making have (to use a western phrase) "been found missing."

Now, sir, (said Mr. M.,) are we, under the auspicious influence of the honorable chairman and the honorable generals stationed in the military bureaux appurtenant to the Department of War, instead of the posts on the frontier, to go on increasing the officers of the army and regulating (increasing) their pay and allowances? Is it not time we should hesitate and investigate more thoroughly the real and actual necessities of these demands? For one, Mr. Chairman, I must decline going any farther until I have more data to show me that the interests

of the country require our compliance. Moreover, sir, (said Mr. M.,) I am opposed, upon principle, to uniting the administration of mere ministerial and civil duties with military duties, in the same hands; yet who can shut his eyes to the fact that the officers of the army, since the reduction in 1821, have gradually become possessed (perhaps without fault of theirs) of the administration of a large share of the civil and ministerial duties of the country? Who disburses the vast annual appropriations of the public revenues? Who has the direction and application of the revenues annually applied to the improvement of the country? Is it not mainly in the hands of the military power, divided and subdivided "into detail," as they express it? Are these officers accountable to the people, or identified with them in feeling, to the extent necessary to a harmonious action? Many of them, sir, I believe, are of great worth, and deserve the confidence they enjoy, and the approbation they receive. These must, perhaps, be considered honorable exceptions, rather than as the basis of a general rule. The union of the military and civil powers should, however, always be regarded with jealousy, and resisted in its incipient progress. Some of the military bureaux, as they now exist, therefore, should, in my opinion, be placed upon a civil footing; and the "brevets," with which they are now filled, should be lopped off as a useless appendage, not in accordance with the spirit of our civil institutions. I know, sir, that there is not much "in a name," and I have learned here that "names are not things;" yet the propriety and faith of history would always induce me to endeavor to have names indicate what things were meant by them.

Sir, the gathering of these bureaux, so near the public crib, serves at least to remind common people of the tendencies of our nature, and some, who have been inclined to tolerate them as incidents to the Government, begin to apprehend that the incidents may become the principals. I entertain, sir, (said Mr. M.,) a high and habitual respect for military service in its proper sphere, defending the country in the field, protecting our hardy and enterprising inhabitants upon the frontier, and would reward it liberally by pecuniary provisions, and the meed of public approbation; but that respect is much impaired when I see those military and chivalrous men withdrawing from their proper sphere into the cloisters of the Government, seeking civil employments under military garments, and receiving sinecure and patriotism money in exchange for the higher and nobler rewards of military service. But, Mr. Chairman, (said Mr. M.,) I find myself digressing too far from the immediate question. The honorable gentleman from Kentucky had informed us that there was no immediate necessity for passing this amendment in order to pay the troops now in service in Florida, and that he himself would not vote for the provision for this purpose; and therefore he opposes the amendment moved by the honorable gentleman from Tennessee [Mr. CAVE JOHNSON] to limit this provision to one year. I cannot (said Mr. M.) see the necessity of these three additional paymasters, from any data now before me. It is perceptible, by this time, that I do not put such unqualified confidence in these brevet heads of bureaux as the honorable chairman on Military Affairs. This may be my misfortune—perhaps my fault.

There are continual calls for an increase of these officers. Bear in mind, however, that there are now, sir, six hundred and seventy-one commissioned officers belonging to the army of about six thousand men, or one commissioned officer for about nine men, forming what is called a "nucleus," around which an army could be gathered, if occasion should ever require. Now, sir, (said Mr. M.,) I am not, for one, disposed to enlarge this "nucleus" of officers, as now organized, without commands or men, or much active service, lest it should become an "incubus" upon the body politic, which, in medical phrase, might require "excision." There are now fourteen paymasters belonging to the peace establishment, besides one stationed permanently at West Point, who must be burdened with an onerous and responsible duty, judging from the amount of disbursements there.

The paymaster general wishes three more, and believes they are necessary, and would be useful, by making more prompt payments to the troops.

Now, sir, I am informed by a military officer, who has belonged to the service more than twenty-five years, that a less number of paymasters could perform the duty with more punctuality and despatch, if they were properly stationed. The evil existing, therefore, is not in a want of a sufficient number of officers, but in a disposition (a very natuaral one, I admit) of those we have, to desire the advantages and pleasures of civil and domestic life, while enjoying the rewards and honors of military office. The remedies for this evil, I believe, therefore, (said Mr. M.,) are in the hands of the worthy head of the pay department, and he has nothing to do but apply them. A paymaster should, I believe, be stationed at the general headquarters of each regiment of infantry, and of the regiment of dragoons, and at some central post of each regiment of artillery, instead of the cities and towns, where I am informed that most of them are now quartered, and sometimes more than one in the same town.

Sir, (said Mr. M.,) in every view which I am enabled to take of this question, so unexpectedly presented to me at this time, I cannot discover any actual necessity for the adoption of the amendment of the Senate, and I therefore hope it will be rejected.

Lest it may be supposed (said Mr. M.) that I am unfriendly to the army generally, from the tenor of my remarks upon this question, I take leave to disclaim all such feelings; but I admit freely that I fear that great abuses have crept into its administration. Such, I am confident, is the belief of some of its best and most experienced officers. I would, sir, if it were in my power, correct these; and I am confident it must be done, or the sense of the American people will, ere long, overwhelm the establishment. The very fact that this provision comes by way of amendment and rider from the Senate, shows that those who propose it are fearful of its fate, when separated from its yokefellow.

[Mr. R. M. JOHNSON, the chairman of the Committee on Military Affairs, replied at length.]

Mr. MANN rejoined, that he felt constrained, in justice both to the honorable gentleman and himself, to say a word by way of rejoinder. He had been greatly misunderstood, or he had misrepresented the honorable member. Mr. M. did understand the honorable chairman to say that he did not urge the adoption of this provision as necessary to the service in Florida, and he believed he understood him correctly; but the honorable gentleman now appeals to me in behalf of our bleeding countrymen, our defenceless frontier, our women and children exposed to the relentless tomahawk of savage war. This appeal, sir, would be effectual and well in the proper place, but not after the admissions made by my honorable friend.

The honorable gentleman complains that I attack all the recommendations of the Committee on Military Affairs. In this, sir, he does me injustice. I do not condemn indiscriminately. Some, yes, many, of the recommendations of that committee have received, and will receive, my warmest support; others I cannot approbate. I am obliged to scrutinize the recommendations of the honorable gentleman with some care, because I know that he possesses so much of the milk of human

kindness in his "gentle nature," that it is hardly possible for him to resist the personal importunities of his friends, to which he is constantly exposed, and which impel him onward, unconsciously, forgetting for the moment, under the impulses of his generous feeling, the rights and interests of those masses of our fellow-men scattered over the surface of our wide country, alternately submitting to and contending with the curse of Heaven, which dooms them to till the ground for their daily food. I wish only to remind my honorable friend that all the revenues which Governments receive are obtained either directly or indirectly from the labors of this class, and that this consideration should never be lost sight of, while we are acting as their representatives.

Again, my honorable friend supposes that I am ungenerous with a high and honorable officer stationed here. I have not intended to be so, sir; but I must tell the honorable member that I do believe that these officers prefer to make campaigns to Washington, in preference to our exposed and defenceless frontier, which he brings to our view in such eloquent and feeling language. At all events they find it in the course of duty to be here, either in station or in proper discharge of duty. Their wants are not limited by the scale of civil life. But I shall have another and more appropriate occasion to comment upon the items of their allowances. Many of them now have both hands in your Treasury at once, while one at a time, in my opinion, would suffice, in these "piping times of peace," for any ordinary cupidity. I am confident that, if my honorable friend had investigated this question upon both sides, he would have come to a different result. There are, sir, I perceive, fifty-three military posts, besides thirteen arsenals, belonging to the United States; less than five for each paymaster. With the facilities now afforded for travelling, I am a little surprised that the worthy officer at the head of the pay department should have made himself believe that this provision was in any manner necessary.

Mr. WHITE, of Florida, said, so far from this being a temporary appropriation bill, it was no appropriation at all; for it merely provided permanent regulations for the payment of militia in the service of the United States, whenever they were called out; and the amendment could be as well added to this bill as to any other. With regard to the expense, he believed a larger sum of money would be disbursed without the appointment of these additional paymasters than their salaries would amount to.

Mr. UNDERWOOD was convinced that the proposed addition to the army ought not to be made. He was not disposed, like his honorable colleague, [Mr. JOHNSON,] to take the mere assertion of any head of a bureau as his authority, unless that officer at the same time furnished all the facts and data upon which his assertion was based, and then Mr. U. would form his own judgment. There were now fourteen paymasters, and each of them had no more than eight or nine stations to attend to; which, with the great facilities for travelling, were surely not more than they could do. He was satisfied the requisition ought not to be complied with, and he hoped the amendment of the Senate would not be concurred in.

Mr. PARKER remarked that the provisions of this amendment had been before the House for the last two years, and the only reason they had never been acted on and passed was because the House, from the load of business before it, had never reached them. Mr. P. was disposed to take the evidence of an officer of the Government, whose high character and official qualifications were unquestionable, and his integrity unimpeached, and any measure recommended by such a man should have with him its due weight. Mr. P. then read some extracts from the report of the Military Committee of the last Congress, recommending the appointment of three additional paymasters, and expressed a hope that the amendment would be concurred in.

Mr. CAMBRELENG could not vote for this proposition in its present shape, even if he was in favor of the object; for he objected to the principle of adding such riders to bills, or rather bills upon bills, which had no connexion with each other. The gentleman from Kentucky had told them that the proposition had no reference to the campaign in Florida, and had objected to the amendment of the gentleman from Tennessee on that very ground. Mr. C. had no more idea that a measure which, if separately taken up, would occupy a week's discussion, would have come before the House that day, than that a proposition to double the army would have been introduced. Had he thought this measure would have been discussed, he never would have consented to waive the special order on the appropriation bills, nor would the House have gone into committee with such unanimity.

Mr. DUNLAP also complained of the manner in which this proposition had been appended to an extraordinary appropriation bill, thereby compelling the House to adopt it, or to jeopardize the bill. He warmly opposed the amendment.

Mr. ANTHONY thought, if a measure that was right in itself could be brought in, it mattered little in what bill it was introduced, or in what place it was found. This was a matter that could as well be passed in this present bill as any where else. It was well known that the duties of this branch of the service had greatly increased, and every necessary data had been furnished by the paymaster general, whose report to the present Congress Mr. A. read.

Mr. CAVE JOHNSON opposed the amendment, on the ground of the principle of introducing such a measure in a bill having no necessary connexion with it; and for this reason, if his own proposition was disagreed to, he should be compelled to vote against the whole bill. He could not bring himself to believe that the additional force was necessary, for he thought it did not require seventeen paymasters to pay some six or seven thousand men.

Mr. FRENCH was in favor of the amendment, on the ground of the great increase of duties, and the immense extent of territory over which the duties of the paymasters extended, and the time required (three months) to make the payments.

Mr. J. Q. ADAMS should vote for the amendment of the gentleman from Tennessee, for he was satisfied that fourteen paymasters were quite enough to pay five thousand men; but if an addition was asked, he should like to see the reasons for the requisition. The great objection, however, to the amendment was, that it did not belong to the bill. It was an attempt to "smuggle" in a permanent law in a temporary appropriation bill, and was entailing an additional charge upon the people. He strongly condemned the mode by which it was introduced, as it would be the means of compelling members who disagreed to the amendment to vote, against their wishes and intention, against the whole bill. He yet hoped, however, that in the House the amendment would not be concurred in, although a small vote in its favor had been taken in the committee. Mr. A. called the attention of the House to former precedents in tacking on new matters to appropriation bills, particularly one with reference to sending a minister to Great Britain. In the item of a general appropriation bill providing for the salary of a minister to that country, the Senate introduced a provision, that if he was appointed during the recess, he should not be paid unless his nomination was ratified by the Senate, which was a direct violation of the law and the constitution. Mr. A. entered into the history of the proceedings on this case at some length, by way of illustration to the present, which he contended,

to a certain extent, was precisely on the same ground, because it gave the Senate the power to frustrate the legislation of the House.

Mr. R. M. JOHNSON contended there was no incongruity in the introduction of this proposition in the present bill, for it was necessarily identified with the military regulations of the Government.

Mr. J. supported the amendment at some length, and denied that there had been any smuggling in the case. There was General Towson's report, the report of the Committee on Military Affairs, and the bill the latter had reported, all before the House. Mr. J. passed a high eulogy on the present paymaster general.

Mr. MANN, of New York, again opposed the amendment. The gentleman from Kentucky had himself distinctly stated that the first amendment of the Senate, making the provision for the appointment of additional paymasters, was not made with reference to the present situation of affairs in Florida; and it was no argument with Mr. M. that the head of a bureau required it, whatever might be his character for honor and integrity.

Mr. LANE said a few words in reply.

The amendment of Mr. CAVE JOHNSON was then agreed to without a count.

Mr. McKAY said a few words in explanation of the amendment, which was merely to change the tenure of office to one year.

The amendment of the Senate, as amended, was then non-concurred in.

Mr. WILLIAMS, of Kentucky, then moved a reconsideration of the vote of the committee concurring in the first amendment of the Senate, providing for the appointment of three additional paymasters; which was agreed to, and the amendment of the Senate was non-concurred in.

A further amendment, providing for the appointment and pay of the clerks, was then non-concurred in, and that part of the title of the bill setting forth the provision for the additional paymasters was then stricken out, and the bill was laid aside.

On motion of Mr. CAMBRELENG, the committee took up and considered the bill making further appropriations for the repression of Indian hostilities in Florida.

The committee then rose, and the two foregoing bills were reported to the House.

The House concurred in the report of the Committee of the Whole on the last bill, and it was ordered to be engrossed and read the third time to-morrow.

The amendments of the Senate to the bill providing for the payment of volunteer and militia corps in the service of the United States, agreed to in Committee of the Whole, were concurred in by the House; and the House also concurred with the Committee of the Whole in their disagreement to the other amendments of the Senate.

POST OFFICE DEPARTMENT.

Mr. JENIFER asked permission of the House to submit a resolution which he felt compelled, in duty to a portion of his constituents, to offer, in consequence of a letter which he had just received from one of the Departments of the Government; the resolution was merely to ask of the Committee on the Post Office and Post Roads to do that which it was competent for, and the duty of, the Post Office Department to have done without the interposition of this House. That the House might understand the reason why he offered the resolution, Mr. J. said he would state that, in obedience to the request of a portion of his constituents, he had made application in person at the Post Office Department to have an alteration made in the time of arrival and departure of the mail at Prince Frederick and St. Leonard's, in Calvert county. That, understanding the Postmaster General was indisposed, he waited on one of the assistant Postmasters General, and stated the wishes of his constituents, with a request that their application should be granted, if consistent with the views and powers of the Department. Mr. J. said he had suggested changes also in another county of his district, which he hoped would be attended to, and understood from the assistant Postmaster General that he desired a written statement of the changes proposed. On that or the following day, Mr. J. said, he addressed to the Department a note, stating the wishes of his constituents, and desiring an answer at as early a period as convenient. A few days after, Mr. J. said, he addressed another note, in respectful and polite terms, to the Department, stating the anxiety of his constituents. This was also unnoticed. Some days after this second note, in conversation with one of his colleagues, he expressed surprise at not hearing in reply, when his colleague mentioned that he, too, had been similarly treated.

Mr. J. said, believing that his constituents, as well as himself, had a right to the respectful consideration of the Department, and learning that the Postmaster General was still sick, he addressed a third note to Mr. Hobbie, respectful in terms, though urging a reply so as to supersede the necessity of moving a resolution to the Committee on the Post Office and Post Roads. Mr. J. said, this last note had brought forth the letter which he held in his hand; and, that he might do no injustice to the writer, he would read it for the information of the House.

[Here Mr. J. read a letter from the Post Office Department, dated 9th of March, 1830.]

Mr. J. said it was only to the latter sentence that he desired to call the attention of the House, to wit: "Two "of your applications have been disposed of, and com- "munications written respecting them, either yesterday "or to-day. As to the third, justice will be done to it in "its due order; but self-respect precludes the Depart- "ment from giving any assurance more specific, after the "intimation contained in the conclusion of your note.

S. R. HOBBIE."

Mr. J. said, upon this subject he had one remark to make, which was, that he had been forewarned, before he came here, that an opponent of the present administration would not be listened to at the Departments, and that one of the strongest objections he had to meet, during the last fall election, was the unprincipled doctrine promulged, that a friend of the administration could accomplish more for the benefit of his constituents than one who was opposed to it. This doctrine he had combated, and successfully, too, as striking at the integrity of the representative, as well as the liberties of the people; it was for this House to say how far they would connive at and sanction this insolent attempt to carry out this detestable principle, that the constituents of those who are too independent to be bribed into the support of measures inconsistent with their opinions are not to receive justice at the hands of their Government.

Mr. J. said he would move the following resolution, as a duty to his constituents, believing that the committee would not be governed by similar feelings:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of directing an alteration to be made in the transportation of the mail between Prince Frederick and St. Leonard's, in Calvert county, Maryland.

Objections being made, Mr. JENIFER moved to suspend the rules for the purpose indicated.

Mr. WISE asked for the yeas and nays, but withdrew the call at the suggestion of several members.

On motion of Mr. WILLIAMS, of North Carolina,

The House then adjourned.

FRIDAY, MARCH 11.

The SPEAKER remarked that the first business in order was the report of the Committee of Elections

upon the contested election from North Carolina. At the adjournment of the House on yesterday, a gentleman from Maryland [Mr. JENIFER] had moved to suspend the rules for the purpose of enabling him to submit a resolution; and the question would be on the suspension of the rules for the purpose stated.

Mr. JENIFER called for the reading of the resolution, and the same was read, as follows:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of making an alteration in the transportation of the mail between Prince Frederick and St. Leonard's, in Calvert county, Maryland.

Mr. TURRILL asked for the yeas and nays on the motion to suspend the rules; which were ordered, and were: Yeas 68, nays 115.

So the motion of Mr. JENIFER was negatived.

CULTIVATION OF COTTON.

Mr. ADAMS, instructed by the Committee on Manufactures, asked the consent of the House to submit the following resolution:

Resolved, That 25,000 copies of the letter of the Secretary of the Treasury relating to the cultivation and manufacture of cotton, with the tabular statement annexed thereto, be printed, under the direction of the Secretary of the Treasury, for the use of the House.

Objection being made, Mr. ADAMS moved to suspend the rule to enable him to offer his resolution; which was agreed to: Yeas 104, nays 36.

The resolution was then received; and the CHAIR stated that, under the rule, it would lie over one day.

Mr. ADAMS adverted to the importance of the report, it being on a subject interesting to every portion of the country. As the papers were now in the hands of the printer, and if an additional number should be ordered, it should be done at once, he moved to consider the resolution at that time; which was agreed to.

Mr. WILLIAMS moved to strike out 25,000 and insert 10,000 copies; which was negatived.

Mr. HOWELL called for the reading of the report of the Secretary of the Treasury and the accompanying documents, but the House negatived the call.

Mr. WILLIAMS, of North Carolina, moved to amend the resolution by striking out 25,000 and inserting 15,000 copies; which was agreed to.

Mr. DUNLAP moved further to amend the resolution by proposing to print 10,000 copies of the report of the select committee of the last session, on the subject of the West Point Academy.

The CHAIR decided this motion out of order.

The resolution of Mr. ADAMS was agreed to, as amended.

KENTUCKY ASYLUM FOR THE DEAF AND DUMB.

Mr. HARLAN asked the indulgence of the House to permit him to submit a resolution of inquiry. Some years since, said Mr. H., Congress granted to the Kentucky Asylum for teaching the deaf and dumb a township of land, to be located, under the direction of the Secretary of the Treasury, in either of the Territories, on lands to which the Indian title had been extinguished. The locations had been made in the Territory of Florida. The time allowed by the act for making sale of the lands thus granted and located was about expiring; but, from causes not necessary to be then mentioned, (but which, he doubted not, when known, would be entirely satisfactory,) more than one fourth of the grant remained unsold. It was the desire of the trustees of that institution that further time be allowed for the sale of the remainder of the grant.

Objections being made to the introduction of the resolution, the rules of the House, on motion of Mr. HARLAN, were suspended, and he submitted the following resolution:

Resolved, That the Committee on the Judiciary inquire into the expediency of granting to the incorporated Kentucky Asylum for teaching the deaf and dumb further time to make sale of the lands granted to said institution by Congress.

Objection being made, Mr. HARLAN moved a suspension of the rule; which was carried, and the resolution was submitted.

Mr. WHITE, of Florida, objected to the adoption of the resolution; when it was agreed to.

Mr. JARVIS rose to submit a motion. He was opposed to making fish of one and flesh of another. He voted against suspending the rules in order to enable the gentleman from Maryland [Mr. JENIFER] to submit his resolution. Since that vote, however, the House had indulged several gentlemen in similar motions. He moved, therefore, to reconsider the vote whereby the House had refused to suspend the rules, on the motion of Mr. JENIFER.

The motion was received and laid over.

CONTESTED ELECTION.

The House then resumed the consideration of the motion made by Mr. SPANGLER, to reconsider the vote rejecting the proposition to allow Mr. Newland leave to appear by counsel, in the prosecution of his claim to the seat in the House at present occupied by Mr. GRAHAM.

Mr. BOULDIN said it had not been, nor was it then, his design to detain the House more than a very few minutes; and he would not have spoken at all, had it not been to reply to some remarks which fell from the gentleman from Pennsylvania [Mr. ANTHONY] yesterday; which were, that every gentleman who had voted for counsel on that occasion gave a vote to disparage the petitioner. Mr. B. had before voted for counsel, and would again vote for it; but he protested against the idea that that vote was a disparagement of the petitioner. He did not consider it a disparagement of any gentleman to want counsel. He might need counsel himself in some cases; he might need it in relation to the laws of North Carolina, because he had never been under the necessity of examining those laws, and was unprepared to make a decision in relation to them. They had a vast deal of business on hand, besides the contested election, which called for their investigation. That being the case, he thought no gentleman should be unwilling to hear the arguments of any counsel that might be introduced. A gentleman might not be able to argue a legal question, and still he might do ample justice to his constituents. He did not understand that Mr. Jefferson was a great debater; yet he did not think any gentleman would say that he was not able to represent his constituents. Again: Lord Coke says that a man is not so wise in his own matters as in those of other persons. It had been said that they were the counsel for the petitioner, as well as the judges. He would ask gentlemen if they would go into a court of justice, and trust to the judges to be their counsel altogether? Did judges prepare themselves for every case which came before them? He thought not. He thought there was no better way of proceeding in such cases than by hearing the arguments on both sides; they would then be able to decide between them, and decide correctly. He thought that much the best and safest plan; because, when gentlemen became entangled in an argument, they seldom ever gave it up, whether it was right or wrong. They were then better capable, in his opinion, to judge of the case, after hearing each of the parties, setting forth their own pretensions in the best possible light. He did not consider it a disparagement to

say that they had not time to make an inquiry into the matter. It was, to be sure, their duty to examine every question which came before them; but there were other questions which called their attention, of more importance to the people generally than the one pending. He did not know whether the petitioning gentleman did or did not want counsel; but if he did, Mr. B. would rather hear a gentleman argue the cause who had made it his particular business to study the laws of North Carolina, than any one else. He did not wish to disparage any one; and he considered it no disparagement to say that the petitioner was not able to argue his cause on the floor. If the sitting member was to ask for counsel, he would grant it to him. But if the House would not allow the petitioner counsel, he would say this much: that he would appropriate as much of his time as he conveniently could to the consideration of his case. These contested elections were supposed to be as much political questions as any others which came before the House, and in which party feelings were as likely to become enlisted as in any others. In such cases, when counsel was admitted, and they heard the argument on both sides, those who sat still and listened to the arguments were much more capable of judging correctly than those who might participate in the debate. He had no doubt but that, by hearing the arguments of men who had made the laws of North Carolina their particular study, gentlemen could come to a satisfactory conclusion, which could scarcely be arrived at in any other way. He was acquainted with the sitting member, but the petitioner was a stranger to him; although, if they looked to party, the petitioner belonged to the party with which he generally voted. Between those two gentlemen he was prepared to judge impartially; and he should like to hear the argument of some one whose business it was to set the matter in a proper light; he would then be able to judge.

Mr. HUNTSMAN said, if he understood the question aright, it was simply whether the House would reconsider the vote whereby counsel had been rejected. That question had taken up the time of the House day after day, when it might have been encompassed in a nut-shell. He therefore moved the previous question.

Mr. PARKER inquired of the Chair what the main question would be.

The CHAIR stated the case substantially as follows: A member from New York, by the unanimous consent of the House, submitted a motion that the petitioner be heard at the bar of the House. An amendment was offered thereto; and upon this amendment a vote was taken, and it was rejected. The question now pending was a motion to reconsider the vote by which the amendment was rejected. The Chair was therefore of opinion that the previous question, if sustained, would cut off the amendment and the motion to reconsider, and bring the House to a direct vote upon the original proposition.

Mr. HUNTSMAN then withdrew his demand for the previous question, and expressed a hope that the question would be taken without further discussion.

Mr. BYNUM said, before he proceeded to submit any further remarks on the subject then before the House, he would move that the orders of the day be suspended, for the purpose of proceeding with action on the North Carolina contested election.

[The SPEAKER said that the time for its discussion had not yet expired, and that the gentleman might proceed to discuss it until the expiration of the hour allotted to that subject.]

Mr. BYNUM said he would then beg the indulgence of the House to submit a few remarks to its consideration, in addtion to what he had before said, and in reply to what had fallen from several honorable gentlemen who had opposed the amendment which he had the honor to propose to the resolution of the gentleman from New York.

He was truly sorry that that amendment had given birth to such a latitudinous and protracted discussion as had grown out of it. He had not expected, when he first submitted the amendment, that it would have met with any serious objection from any quarter of the House, and he regretted to see it coming from the quarters that it did.

The worthy and honorable member from Kentucky, [Mr. HARDIN,] he believed, was the first to make war on the amendment that he had offered; and had, he thought, by his opposition, been instrumental in misleading the House in a degree. That gentleman had said that the resolution offered by the gentleman from New York was the customary and ordinary motion that was made on such occasions. In that, however, he would show that the gentleman was totally mistaken. The ordinary motion or resolution on such occasions was exactly the reverse of what the gentleman had stated. Mr. B. said he had not moved his amendment without the consultation of authority or precedent. He had referred to the whole history of contested elections in that House, and there had not been a single case in which counsel had been refused the petitioner, when applied for. The whole number of contested elections that had taken place in it was forty-two, but for the last twelve contested elections counsel had not been asked; but when applied for heretofore, said Mr. B., they had been granted in the following form, and not in that as stated by the honorable gentleman from Kentucky. He would read from the journals of the House, in the case of the contested election from New Jersey, in 1789.

"Mr. Seney moved that Wednesday next be assigned for the parties to appear and be heard by their counsel before the House, of which notice should be given; and that the committee be discharged."

The next case took place in 1792. It was the case from Georgia, of Jackson vs. Wayne, which he found in the following words:

"The 6th of February was assigned by the House for the trial of the cause; but by the agreement of the parties, and on the application of the petitioner, it was postponed to the 27th of February, 1792. On that day it was further continued by the sitting member to the 10th of March, and on which day leave was granted to the sitting member to be heard by his counsel at the bar of the House."

The other case to which he had before referred was from Virginia—the case of Moore vs. Lewis. This was in 1804.

"On the 1st of March, 1804," (says the journal,) "the committee was discharged; and resolved, that the memorialist and the sitting member, if they desire it, be heard by counsel before the bar of the House. Mr. Jones, the counsel of Major Lewis, then spoke in favor of his right to his seat." Since that time, Mr. B. said, a practice had grown up, and had been generally acquiesced in, that had measurably done away with the appearance of counsel *viva voce*, but that the petitioners and sitting members had been in the practice of submitting their defence in writing, in the shape of memorials, and had had them printed and laid on the desk of every member of the House. The petitioner could have done so now; but he had been informed by his friends it might be best for him to be heard by counsel, in conformity with the earlier practices of the House.

Mr. B. said, in the Senate of the United States there had been but five contested elections since the organization of the Government.

In 1793 there was a case from Pennsylvania, of Albert

Gallatin, who was then the elected Senator. He found in the journal of that date, February 20, the following account:

"Mr. Livermore was of opinion that the sitting member should begin the debate, as the *onus probandi* lay with him. The counsel for the petitioner, Mr. Lewis, rose: Mr. Lewis hoped that he would be permitted to say a few words, in this early stage of the business, in regard to the manner of conducting it," &c.

Of the four other cases that had occurred, no counsel had been in the Senate.

In the case of Lanman, from Connecticut, leave had been granted that he be heard at the bar of the Senate. He appeared, and spoke an hour or more in his own behalf, who, he imagined had been a lawyer of some eminence. In the other cases no motions had been made of the kind, and there had been little contest about them.

Mr. B. said, such had been the invariable usage of the two branches of the American Congress. But, sir, said he, do not let us confine ourselves to our own body; let us not believe that we possess all the wisdom and all the parliamentary learning in the nation; let us not be too much intoxicated with our own importance and self-sufficiency; let us not shut our eyes to the motives and reasons and practices that operate on and influence other parliamentary bodies. Yes, sir, let us not feel our power and forget right, as the Senate of the United States did in 1834.

[Here the Speaker shook his head, as though he was on the eve of calling Mr. B. to order.]

Mr. B. said he would make no allusions to the present Senate; it was to the Senate of 1824. [Mr. Boon said in 1834.] Mr. B. corrected himself, and said in 1834. That Senate, forgetful of all that was right and just, and becoming them as Senators, had presumed to try and condemn the President of the United States by a foul and ignominious charge, and which remained as yet a blot of ineffable hue on the journals of that then frenzied and deluded body; and he would entreat the House to take warning from the example set by that unfortunate body, and not to stain its journal with a resolution or orders that would bring down on the House the denunciations of every unprejudiced freeman in the country. But, sir, said Mr. B., what are the feelings and motives and reasons and actions that govern the conduct of other legislative bodies? He would here refer to what was at that very time going on in an adjoining State.

"On the 7th of March" (he read from a paper that he then held in his hand, purporting to contain a report of the proceedings of the Legislature of Maryland, then in session) "Mr. McLean presented a communication from Samuel Harker, chairman of the committee of one of the branches of the city council of Baltimore, requesting the Legislature to postpone further action upon the report of the joint committee on the memorials of the sufferers by the late Baltimore riots, to afford an opportunity to the corporate authorities of said city to produce and have examined before the committee testimony on their part, and also to be heard by counsel."

Again: "Mr. Pratt submitted an order, which was adopted, directing the Clerk of the House to inform the corporate authorities of Baltimore that Thursday next has been assigned for hearing the counsel for the petitioners praying indemnity; and also to inform them that the joint committee on that subject will be instructed to hear any testimony which may be furnished antecedent to that day, or on the same day examined; and on the same day the counsel on their part will be heard, if they desire it."

Such are the existing feelings and sentiments and practice of an adjoining State, upon the subject of hearing counsel at the bar of their legislative bodies. He believed that the same practice existed, and had prevailed to a certain extent, in almost every other State in the Union, at different times; and he religiously believed that but one feeling and one sentiment existed amongst the people on that subject; there were none who did not think that they had a right to avail themselves of counsel before any tribunal whatever, whenever their rights or interests were assailed; a right which they had not, nor ever would relinquish, while they retained the spirit of freemen.

But, said Mr. B., why should we confine ourselves to this country, when others, less devoted to those sacred rights of freemen, and less regardless of the liberty and freedom of their institutions, have evinced the most unconquerable attachment to this right of being heard, either in person or by counsel. He had taken some pains to recur to the practice of the British House of Commons in contested elections, and had ascertained, by an examination of the journals of that body, and had found there, that it had been the almost invariable practice, since the first days of "*magna charta*," that counsel had never been denied, even to a British subject. He had found, as far back as 1816, two reports of contested elections, one of a Mr. Man and another of a Mr. Whitelock, in both of which a motion was made for them to be heard by counsel, and there was no report of its having been objected to; the right seemed to have been acquiesced in by universal consent. In fact, he had found scarcely an instance where an application for counsel had been denied in even the Parliament of Great Britain. There had been but one which he had found, and which he would exhibit to the House. It was a case in relation to the election of Sir Robert Walpole, that took place in 1711. The journals of the House of Commons are as follows:

"On the 23d of February, 1711, a petition of the freemen and free burghers of the borough of King's Lynn, in the county of Norfolk, was presented to the House and read, setting forth that Monday, the 11th of February last, being appointed for choosing a member to serve in Parliament for this borough, in the room of Robert Walpole, Esq., expelled the House, Samuel Taylor, Esq., was elected their burgess; but John Bagg, present mayor of the said borough, refused to return the said Samuel Taylor, though required so to do, and returned the said Robert Walpole, though expelled this House, and then a prisoner in the Tower; and praying the consideration of the House.

"March 6. The order of the day being read, of taking into consideration the merits of the petition of the freemen and free burghers of King's Lynn, in the county of Norfolk, and motion being made that counsel be called in, upon a division, it was resolved in the negative."

Such was the report of the contested election referred to; and perhaps the proceedings of no body had ever proved more fatal and disastrous to its authors than did these proceedings prove to the authors of that Parliament. What, sir, had been its consequence? Sir Robert Walpole had been re-elected in the very teeth of the party that had refused him counsel, and expelled him from Parliament; and the contest finally terminated in the revolution of the criminal Parliament, and an entire overthrow of the party that were sustaining measures so flagrant and incompatible with every principle of justice and liberty; and the object of their vengeance was soon placed at the very head of his persecutors. By such a system of persecution and injustice was it that Sir Robert Walpole had been made the Prime Minister of Great Britain, to the total overthrow and discomfiture of his enemies. That House should be aware, he thought, how it left an order on its journals, at that time, that should require and justify a process of expunging

and purifying its records. There was a striking case of that kind, that was held up as a beacon to all posterity. It was the case of the celebrated John Wilkes, that occurred in the British Parliament on the 17th of February, 1769. In that year it was that the House of Commons of Great Britain, after passing many orders and resolutions, negative of the freedom and incontestable rights of the subjects of Great Britain, did pass a resolution, not only of expulsion of the victim of their resentment, but declaring him incapable of being elected to serve as a member in that Parliament. Here the Parliament had taken upon itself to investigate the qualifications and character of one of its members, which had been acquired before his election. And his honorable friend from Massachusetts [Mr. GRENNELL] had made a strong intimation that this House should also take into consideration the qualifications or competence of the petitioner. For, said the gentleman, (if he understood him rightly,) this House was interested in the decision of this question; it was not alone the people of the district of the contesting member that were interested. He was to become a member of Congress of the whole nation, and the whole people of the country were to be affected by his acceptance or rejection from the floor of Congress. Sir, said Mr. B., do not such declarations involve the right of this House to pass on the qualifications and competence of the contesting member and petitioner? He thought the inference irresistible, and which would place the House precisely in the condition of that Parliament, to which he had referred, which had presumed to decide on the qualification and incompetence of one of its members to take a seat in its body. That was a question with which this House had nothing to do. Sir, he said, I will read you the opinion of one of the ablest and most distinguished men that England has ever produced, on that subject, and in relation to the character and body of that Parliament. He hoped the House would pardon him, while he dwelt for some moments on this subject, as he conceived it had a striking analogy to the case then before them, as well as a strong resemblance to the proceedings of a certain other body, which it might not be deemed proper for him there to mention.

Sir, said Mr. B., in a speech made in support of the following motion submitted to the House of Lords, in 1771, by the Duke of Richmond, "that an humble address be presented to his Majesty, most dutifully and earnestly beseeching his Majesty that, under the late violations of the rights of electors of Great Britain, in the election for Middlesex, still unredressed, and in the present conflict which has so unhappily arisen between the claims of privilege of the House of Commons on one side, and those of magistracy on the other, his Majesty will, in his paternal wisdom, deign to open the way to compose this alarming warfare; and that, in order to prevent the said House and nation from being involved in intemperate discussions of undefined powers, which in the extreme may endanger the constitution, and tend to shake the tranquillity of the kingdom, his Majesty will be graciously pleased to recur to the recent sense of his people, by dissolving, after the end of this session, the present Parliament, and calling, with convenient despatch, a new Parliament." Chatham, in denouncing the arbitrary conduct of that most slavish and unprincipled Parliament, in relation to their unwarrantable act in refusing to hear by counsel or otherwise the individuals whose claims they had passed on, in his clear, forcible, and drastic style, is represented as having used towards them the following bold, elegant, and cutting language. The extract from his speech was in these words: "The depraved system of Government, which had in a few years reduced it from a most flourishing to a most miserable condition. He warmly defended the magistrates in the conscientious discharge of their duty; that the House, in committing them to prison, without hearing their defence, upon the points of privilege, had been guilty of a gross and palpable act of tyranny; that they had heard the prostituted electors of Shoreham, in defence of an agreement to sell a borough by auction, and had refused to hear the Lord Mayor of London in defence of the laws of England; that their expunging by mere force the entry of the recognizance was the act of a mob, not of a Parliament; that it was solely to the measures of the Government, equally violent and absurd, that Mr. Wilkes owed all his importance; that the King's ministers, supported by the slavish concurrence of the House of Commons, had at once made him a person of the greatest consequence in the kingdom; that they, in effect, had made him an alderman of London, and representative of the county of Middlesex; and now, it seems, they intend to make him sheriff, and, in due course, Lord Mayor of London; the proceeding of the House of Commons in regard to that gentleman made the very name of Parliament ridiculous; that to save the name and institution of Parliaments from contempt, this House of Commons must be dissolved."

Sir, such is the description given of that parliamentary body, by the first man of his age, in imitation to the proceedings of which is the refusal of hearing the petitioner by counsel, at the bar of this House; and such is the language of a noble and patriotic Englishman, denunciative of the course of that body, who undertook to decide on the qualification and competence of a member of the English Parliament, as the gentleman from Massachusetts had intimated that we should do on this occasion. Such was the opinion of that great and illustrious man of that Parliament that had refused to hear counsel in the defence of even a subject of Great Britain; but to show that House in what light the whole nation of Great Britain viewed this conduct of their Parliament towards one of its subjects, the people again returned the member that the Parliament had expelled; and in the year 1782, Mr. Wilkes, after several unsuccessful attempts, again brought forward his motion to expunge from their journals the disgraceful proceeding that had been enacted by the former Parliament.

Mr. Wilkes, after having been interrupted by the Usher of the Black Rod, in bringing forward his motion, is represented again to have addressed the House as follows:

"I return my thanks to the Black Rod, for so luckily interposing in favor of this House, when I might possibly have again tired them with the important, however stale, case of the Middlesex election, which their patient ear has, for several years, with much good nature, suffered. I will now make some return to their indulgence, in profiting by the circumstance of this happy interruption, and not saying a word about, &c. I will not detain the House longer than by observing the parliamentary form of desiring the Clerk to read the resolution of the 17th of February, 1769;" which having been complied with, he then moved that the entry of the resolution of the 17th of February, 1769, "that John Wilkes, Esq., having been in this session of Parliament expelled this House, was, and is, incapable of being elected a member to serve in the present Parliament, might be expunged from their journals, it being subversive of the rights of the whole body of the electors of this kingdom." This motion was, after some opposition from the late Mr. Fox, then Secretary of State, and from the late Lord Melville, then Lord Advocate for Scotland, the former of whom had strenuously supported the whole of the resolutions passed by the House of Commons, in respect to the Middlesex election, carried, on a division, 185 to 47. Mr. Wilkes, as

soon as the question was disposed of, moved "that the declarations, orders, and resolutions of the House, respecting his election for the county of Middlesex, as a void election, the due and legal election of Mr. Luttrell into Parliament, for the said county, and his own incapacity to be elected a member to serve in the said Parliament, be expunged;" which motion was, for the reason above given, "carried, without a division."

Thus terminated, said Mr. B., one of the most extraordinary transactions of modern date. Not only the condemnatory resolution of Mr. Wilkes, but every "declaration, order, and resolution," respecting it, were effaced from the journals of the House of Commons, by a vote without a division. Yes, sir, this is the true history of the proceedings of a legislative body that had refused to hear a subject of Great Britain, in defence of their rights, at which the spirit of Englishmen revolted; and how can we expect it to be tolerated in free America? It was against such arbitrary acts that the whole nation of Great Britain was aroused as one man, and never slept nor abated until the foul stain upon the records of her history was wiped clean.

For the act which we are now about to commit, then, in derogation of the rights of one of our citizens, we have no precedent, either in Great Britain or America; and let no man, who, by his vote, sanctions this act, speak in future in disapprobation of that highhanded measure that has so recently taken place in another body, to the disgrace of this nation, and in derogation of the most sacred rights of this House. He most sincerely believed the act that the House was about to commit was equally repugnant to the rights of the citizens, and incompatible with the spirit and genius of the constitution of our country, as that recently committed by another body. He could not perceive how any man could reconcile it to himself to advocate the one and oppose the other.

The precedents that he had referred to, both in England and America, were in favor of the greatest latitude being given to the hearing of the prayers of petitioners, without objections to hearing counsel, with but two exceptions, which occurred in the British Parliament, and which afterwards met, as he had shown, with the signal disapprobation of the English nation. As to the practice, then, of this body, the Senate, the English Parliament, and the different Legislatures of the States, the whole weight of precedents was in favor of granting counsel to the petitioner, as he had asked.

Mr. B. said, having gotten through with the references to the long-standing practices of almost every legislative body on the subject, he would then call the attention of the House to some of the grounds taken, and arguments assumed, by different gentlemen who had stepped forward to oppose the right which the petitioner had to be heard at the bar of the House by counsel, and could but confess that he had not been a little astonished at the opposition that had been made to what he conceived to be so reasonable an application, coming, as part of it had, from a quarter that it did. He was not at all surprised at the opposition that had been made to it by the two honorable members from Massachusetts, the one on his left [Mr. Reed] and the other on the right [Mr. Grennell.] From what he had seen, and heard of elsewhere, the freedom of speech and the rights of the citizen had but little to expect from that quarter; it was not a source from which he had been taught to expect much favor of the rights and privileges of the commonality of the freemen of this country. He had not, therefore, been at all surprised, he repeated it, at the opposition from that quarter, to the extension or security of the rights and privileges of the hardy yeomanry of this country.

The first gentleman from Massachusetts, who had addressed the House in opposition to the amendment, [Mr. Reed,] had stated that it would be an unnecessary consumption of the time of the House to hear counsel. Mr. B. doubted very much if the time of the House would not be greatly saved by the hearing of the counsel of the parties and then acting on it, without the House mingling in the debate itself. The members, by becoming advocates of the different parties, might imbibe, imperceptibly, he thought, feelings and interests that arose by the excitement of the discussion, which rendered them often, in his judgment, incompetent judges of the matters and facts submitted to their consideration. The same gentleman had said that there were lawyers enough in the House to do the parties justice. So he thought; but did that gentleman think that, amidst the multiplicity of business in that House, each lawyer was going to take the pains to con over the various statute laws of the State from which the election was contested, to prepare himself, not only to decide for himself, according to the requisitions of the several statutes, but to enable himself to convince others, and to bring the House to a just decision on the same subject? Such a presumption he thought fallacious in the extreme; the fact, however possible, to him appeared most improbable, that each member should so inform himself.

Another gentleman from Massachusetts [Mr. Grennell] had said that if it had been a case in which the interest of a private individual alone was concerned, it might, under certain circumstances, be proper to grant counsel. In this the honorable member from Pennsylvania had also concurred; and much, too, to his astonishment, as that gentleman came from a quarter of the country where the highest regard was professed for the sacred rights of an American citizen. The sternness of the democracy of that State was proverbial, and their devotion to the untrammelled rights of freemen. Sir, upon that position, I take issue with both the honorable gentleman from Massachusetts, [Mr. Grennell,] and the gentleman from Pennsylvania, [Mr. Anthony.] I contend that, where the applicant has charge, not only of his own interest, but of the interest of many thousands, the increased magnitude of the subject justifies the granting the privilege to be heard by counsel by reasons far more cogent than it would in a case of a private claim, as contended for by the two honorable gentlemen. It, he said, arose out of the very nature of things.

The petitioner might feel perfectly disposed to hazard his own claims, on his own private efforts; but he should certainly be more diffident in perilling the claims and interests of forty-seven thousand four hundred souls upon efforts in which he was himself conscious of his own deficiency. It did appear to him, therefore, that the reasons were infinitely more forcible in favor of granting the privilege to be heard by counsel in the latter than in the former case, and that it was due from the House to grant it: he could by no process of reason that he was master of bring himself otherwise to believe. He had listened, with some patience, to hear what could possibly be advanced in opposition to a practice that had existed so long, and that had never before been denied to any free citizen of the republic; but he had listened in vain; for not an argument had been advanced that could possibly have the least weight with the most superficial understanding. The difference that gentlemen had attempted to make between a private grievance and a public one was only the difference between "tweedle dee and tweedle dum;" and was only calculated to quiet their own minds for the commission of an act of injustice hitherto unprecedented in the annals of this body.

But what, to him, appeared still more extraordinary, if any thing could possibly be so, was the unofficious, disinterested declaration, no doubt, of the honorable gentleman from New York who represented the minority of the committee who were opposed to the pe-

titioner, and who had, on every occasion, shown an uncompromising hostility to his claims. That gentleman had been kind enough to offer the petitioner his aid on that floor, and, with the honorable member from Kentucky, [Mr. HARDIN,] thought the petitioner would be safe in committing his interest in their hands. He believed the two gentlemen from Massachusetts [Messrs. REED and GRENNELL] had, in substance, said the same; all of whom most violently opposed the claims of the petitioner; but they would see that his rights should be protected; that he should not want for the aid of counsel. Sir, (said Mr. B.,) is not this monstrous? Would it not be such care as the lion would extend to the lamb? They take into their hands the protection of the rights of a political adversary; they are to see that justice is to be done the petitioner. Do they believe that the petitioner is so much of a child as to place his reliance on such support and protection? Surely these gentlemen underrate much the good sense not only of the petitioner, but of others, when they thus speak.

Mr. B. said that he most cordially agreed with the sentiments expressed the other day by his honorable colleague, [Mr. A. H. SHEPPERD,] that he felt deeply mortified that it was a citizen of North Carolina that was to be made the first victim of the arbitrary act of this House; he could say that he was not only mortified to witness the illiberality and injustice done to one of the citizens of a State which he had the honor to represent in part on that floor, but that he felt indignant at it, and thought every member from that State should resent it in the most prompt and determined manner. He viewed it as an insult to the State, and as a violation of one of the most sacred rights of her citizens, against which every man of spirit and resentment should protest in the most solemn manner.

Mr. B. said it was not so much the violation of the right of the petitioner alone, against which he had contended, and which he thought of such magnitude to the country at large, but it was against the principle, and the adoption of such a precedent in that House, that might be quoted in future time to justify the most crying injustice towards an American citizen; but for that, he would not turn on his heels for the adoption of the amendment that he had had the honor to propose; but he did believe that it involved a great principle, directly at war with the spirit and genius of constitutional liberty. The right of being heard freely was coeval with the right of trial under the law and the constitution, and this House should be the last place to abridge that right. The freedom of speech was a right that he believed was secured and held sacred under our constitutional Government, and the denial to hear by counsel was, to him, an unquestionable abridgement of that freedom, as a case might occur where one could not speak for himself.

He was sorry that so much time had been consumed in the discussion of a mere preliminary question. Had it not involved considerations which, to his mind, appeared of the greatest importance, he would have contented himself by giving a mere silent vote. He was in hopes, however, that the House would see the injustice about to be inflicted on the petitioner, not only by the refusal of counsel to him, but by the procrastination of a decision of this subject. The citizens of that district were anxiously looking to the termination of this contest; and he thought it due to them, from the House, to put as speedy an end to it as practicable.*

Mr. HARD commenced some remarks on the subject; but before he concluded, the hour having expired,

Mr. WHITTLESEY called for the orders of the day.

Mr. A. H. SHEPPERD moved that the rules be suspended for the purpose of continuing the consideration of the question; which motion was rejected by a vote of 104 to 53; not two thirds.

The House next proceeded to the consideration of private bills, as the order of the day for Friday.

Several bills from the Senate were then read and referred.

NATHANIEL P. TATUM.

The motion to reconsider the vote by which the House passed the bill for the relief of Nathaniel P. Tatum was taken up; and, after some remarks from Messrs. UNDERWOOD, WHITTLESEY, and MANN of New York, was rejected, and the bill was passed.

[It was urged, in favor of this motion to reconsider, that the person named had failed to fulfil a contract for the delivery of timber in a given time, and that the ten per cent. reserved to ensure compliance, as it had not been granted by the Government agents, ought not to be granted by bill; because this was a case of neglect, and not of accident or providential prevention; and because, if the bill passed, every negligent contractor would come to Congress in the same way.

It was replied, that the contract had been nearly fulfilled within the prescribed time; but that thirteen sticks of the timber had been rejected by the navy agent, as of insufficient size. Upon application, the Navy Commis-

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* The act of George III, that regulates the mode of settling elections in the British House of Commons, to which allusions had been made in the discussion of this question, and which guaranties the right of the British subject to be heard by counsel, is in the following words, as contained in the 13th section, cap. 52:

"*And be it also enacted*, That if, within one hour after the time fixed, in pursuance of the above-recited acts and of this act, for calling in the respective parties, their counsels or agents, for the purpose of proceeding to the appointment of a select committee, the petitioner or petitioners, or some one or more of them, who shall have signed any such petition, shall not appear by himself or themselves, or by his or their counsel or agent, the order for taking such petition into consideration shall thereupon be discharged, and such petition shall not be any further proceeded upon, in the manner directed in the above-recited act and in this act."

As late as the year 1818, January 28th, may be found the entry on the journals of the House of Commons of Great Britain, John Luthill, Esq., of the county and city of Limerick, *vs.* John Pendergrass:

"Memorandum in pursuance of the several acts made for the regulating the trials of controverted elections, or returns of members to serve in Parliament. The like notices, as in former cases, were sent to the parties, with orders for their attendance by themselves, their counsels, or agents, at the time on which the said petition was ordered to be taken into consideration."

The same practice has prevailed uniformly in relation to other petitions of a private nature. In the House of Commons, on the 19th of February, 1818, in the same Parliament, is to be found the following entry: "A petition of several persons, owners and occupiers of land in the parish of Moltram Longdindale, in the county of Chester:

"*Ordered*, That the said petition be referred to the committee on the bill, and that the petitioners be heard by themselves, their counsels, or agents, upon their petition, if they think fit."

On the 28th of February, 1818, "Two petitions of the right honorable Nathaniel Curzon, Lord Searsdale, and of several persons whose names are thereunto subscribed, were presented and read; and said petitions were ordered to be referred to the committee on the bill, and the petitioners are to be heard by their counsel or agents, upon their petitions, if they think fit."—*Note by Mr. Bynum.*

sioners authorized the agent to purchase at a reduced price, and subsequently the deficiency was made up without any loss to the Government. It was further remarked, that if this contractor had fulfilled within twenty per cent., he stood in an extraordinarily favorable position: for the Government often lost sixty per cent. upon contracts; and, in an average of contracts, forty per cent. ought willingly to be allowed for cheatage.]

ALFORD AND BRUSH.

The joint resolution for the relief of Benedict Alford was next taken up. The question pending was a motion to amend, by adding a provision for the benefit of Robert Brush.

[It appeared that this bill passed Congress at its last session, and was approved by the President; but subsequently the Secretary of War discovered that the bill had not received the action of the Senate. The President, upon being informed of this fact, returned the bill to the Senate, by a special message, which, with the bill, was referred to the Committee on the Judiciary, who made no report upon the subject. It appeared that the bill had duly passed the Senate, and that the signature and authentication of the presiding officer were duly affixed; but the journal contained no record showing that the action of the Senate had passed the bill. It was contended, on one side, that the law was complete and fully attested, by all the forms required by the constitution; that it was a law which the President and all others were bound to obey and execute, and that it was wrong to go behind the proper evidence to examine the record.

On the other hand, it was urged, that the record of the Senate was the only evidence that the constitutional forms of passing the bill had been observed by that body; and that, when the President ascertained that such evidence was wanting, he acted rightly in refusing to execute the law. In short, it was said by some that the bill had become a law at the last session, and it ought not to be passed again, but ought to be executed; and by others, that there was no true constitutional evidence that the action of the Senate had made it a law, and, therefore, it could not properly be executed as such.]

Mr. WARDWELL moved to commit the resolution to a Committee of the Whole.

Mr. BROWN suggested the propriety of referring the resolution to the Committee on Revolutionary Pensions.

A debate ensued, in which Messrs. WARDWELL, BROWN, LAY, J. Y. MASON, and WHITTLESEY, took part.

Mr. UNDERWOOD said that the case presented for consideration by the resolutions was one novel in its character, and concerning which he was desirous to submit a few remarks. It seems that the Speaker of this House, and the presiding officer of the Senate, had regularly affixed their signatures to an enrolled bill or act; that the same was presented to the President of the United States, who, on the 30th day of June, 1834, approved and signed it; and that the bill or act thus authenticated was filed and recorded in the office of the Secretary of State. This act provides for the payment of pensions to Benedict Alford and Robert Brush, and has been duly published among the acts of the first session of the 23d Congress. But the Secretary of War has refused to execute it, upon the ground that the Senate of the United States did not pass the bill. The journal of the Senate states that the bill was indefinitely postponed.

I think, Mr. Speaker, it was the duty of the Secretary to execute the act. I think he was bound to regard it as a part of the laws of the land, and, as such, to respect and obey it. He, no doubt, equally conscientious, (for certainly there is here no cause for imputing to him a bad motive,) believes that he has authority to look beyond the act as enrolled, signed, approved, filed, and recorded in the office of State, into the journals of the two Houses, and to decide, upon what he may there find, that the act in question is null and void; because those journals, or one of them, satisfies his mind that the act was never passed according to the requirements of the constitution.

I ask, sir, where does the Secretary of War, a mere executive officer, find his authority for overhauling the journals of the two Houses, the enrolled bill as signed by the presiding officers, as approved by the President, and as recorded in the State Department, and, upon his examination, in effect to declare void a statute, published to the nation, and sanctioned by all the solemnities prescribed for manifesting to the people the laws they are to obey? Such authority has not been conferred by any express provision of the constitution, or by any statute; and, if it exists, it is the creature of inference, a deduction merely from the known and admitted principles and provisions of the constitution and laws. From what part of the constitution, from what statute, will you deduce such authority for an executive officer?

The 5th section of the 1st article of the constitution requires "each House to keep a journal of its proceedings, and from time to time to publish the same, excepting such parts as may, in their judgment, require secrecy." I admit the obligation on the part of Congress to comply with this mandate; but suppose it is not done, will it follow as a consequence from such omission, that executive officers are thereby justified in refusing to obey the statutes which are promulgated? Can they legitimately refuse obedience, because they do not see all the steps taken by each House in the passage of the bill set out at length in a published journal? If it had been the intention of the convention to make the obligatory force of a statute depend upon the publication of the journal, and upon exhibiting on the face of the journal, as published, a fulfilment of every constitutional requisite or injunction, such intention, most certainly, would have been expressed in clear and explicit language. The convention would not have left a matter of such importance to rest entirely upon inference. The fact that there is no express constitutional provision making the validity of an act of Congress depend upon the journals of the two Houses and their contents, is to my mind conclusive, and proves that the journals and statutes are not so connected as to make an examination of the journals necessary, in order to decide upon the obligatory force of the statute. This truth is also manifest from the express language of the constitution. The journals are to be published "from time to time." How often, at what intervals? Here is discretion granted. Congress may publish them annually, biennially, or monthly. If the obligation of a statute depended upon the contents of the journals, their publication should precede, or at least accompany, the promulgation of the statute, so that the citizens and officers of Government might be furnished with means of determining whether the statute imposed any obligation. Congress may suppress the publication of the journals. The constitution expressly confers authority to do so, in regard to so much as may, in the judgment of Congress, "require secrecy." In the exercise of their judgment, Congress might think all their proceedings in reference to this or that subject required secrecy. They might give to the nation the result of their deliberations in the form of a statute, and withhold a knowledge of every previous step. In such a case, it would be preposterous to resist the obligation of the statute, because the public could not see that the steps taken by Congress in its passage were regular and constitutional.

I have submitted these remarks for the purpose of maintaining the position, that the nation is not to deter-

mine what is or is not law, by an examination of the journals of the two Houses. I will endeavor to show, in the sequel, that the validity of a statute cannot be overturned and nullified by arraying the contents of the journals against it.

All civilized nations must necessarily provide some mode of making known the laws which are to be enforced. They must also provide some mode by which their officers and their citizens can produce the law, and justify their conduct under it, whenever and wherever their conduct may be questioned before the judicial tribunals of the country. This may be done in various ways. In Governments like ours, based upon written constitutions, paramount to ordinary legislation, the mode may be prescribed in the constitution itself; and, if so, then it is placed beyond the control of the Legislature. The constitution of the United States does not purport to regulate and fix the precise mode by which the laws are to be made known and authenticated, and yet it is not altogether silent on the subject. So far as it does speak, it is to be regarded; but where it makes no provision, the subject is left under the control of ordinary legislation. It may be safely affirmed, that the constitution nowhere provides that an extract from the journal, or the production of the original, shall be evidence of what the law is. It is very clear that, unless the journals contain the provisions of a statute, their production would give no light on the question of what is or is not law. The journals purport, and do give a history of the action of Congress upon certain bills, by their titles, and are legitimate but not conclusive evidence to show these bills were passed, or rejected, or postponed by Congress. But such a history affords no information as to the contents of the bill passed or rejected; and when you desire to know what the law is, for example: if you wish to know how much tax has been imposed, and upon what articles levied, you must look elsewhere than in the journal to find it. The constitution might have required that every statute should be registered at large upon the journals, and that copies therefrom, certified by the Clerk of either House, should be evidence of what the law is. But it has made no such provision, and, in the absence of all constitutional regulation, it was competent for Congress to take up the subject, and to fix the mode of making known and authenticating the laws of the country. Congress has done this, and it becomes important to consider, for a moment, how it has been done. It was done by one of the earliest acts of Congress, under the constitution. The act was approved on the 15th of September, 1780, and may be regarded as the cotemporaneous exposition of the constitution, so far as to show that that instrument did not prohibit Congress from acting upon the subject, and that the constitution, as then understood, did not contain such provisions as rendered legislation unnecessary.

The act of 1789, in substance, provides that the Secretary of State shall preserve the original bills, resolutions, &c., and cause the same to be recorded in his office. The Secretary of State is required, "as soon as conveniently may be" after he receives the bills and resolutions, to cause the same to be published in newspapers, and to cause one printed copy to be delivered to each Senator and Representative, "and two printed copies, *duly authenticated*, to be sent to the Executive authority of each State." Here is the mode prescribed for publishing your laws; and here, sir, is the place where you are to find what the law is. The act provides for making up a *record* of the laws in the Secretary's office, and then it provides for a seal, and then declares "that all copies of records and papers in the said office, authenticated under the said seal, shall be evidence equally as the original record or paper." Now, the true question is, when the record is made up in the State Department, in pursuance of the act of 1789, can you impeach its absolute verity, by opposing to it the journals of either or both Houses of Congress? and, if this can be done, what tribunal is authorized to do it? Is the Secretary of War authorized to sit in judgment?

I contend that the judicial tribunals of the nation (and it is their province to settle what is and is not law) ought not, and would not, permit an authentic transcript, under the seal of the Secretary of State, to be impeached, by bringing it in conflict with the journals. How are you to make up the issue? Is it one of fact, to be tried by a jury; or is it purely a question of law, to be settled by the court? Certainly it is a question of law, to be tried by the court. And how tried? I have never heard of any other way in which to try such a question, but upon the face of the record. I know, sir, that the laws of a foreign State may be proved as matters of fact. But the laws of this nation are not to be proved in that manner. Our judges are judicially bound to notice them; and when, and how, are they to be informed? Must they not take the record, as certified under the seal of State, as conclusive? Or shall they reject it, because they may find in the journals of Congress something to induce a suspicion or conviction that the record in the office of State was erroneously made up? They could not regard the journal, because neither the constitution nor any act of Congress provides how it shall be authenticated. The Clerks who keep the journals have no seals of office under which to verify transcripts from them, and there is no act of Congress making such transcripts evidence. In this state of things, the Judiciary would be bound to decide the law upon the evidence furnished in pursuance of the act of 1789. Can the Secretary of War go beyond the Judiciary? Can he, in conjunction with the Clerk of either House, or alone, bring the journal in conflict with the record of the State Department? To ask the question is enough.

The constitution provides that all revenue bills shall originate in this House. Suppose a revenue bill is duly signed by the Speaker and President of the Senate, approved by the President of the United States, and recorded in the State Department, will the marshal, or collector of the tax, be justified in refusing to obey it, if he can find an entry on the journal of the Senate, that the bill originated there? Or if he should see such an entry, ought he not rather to say, the Clerk has made it through mistake; Senators are presumed to be acquainted with their constitutional powers, and it cannot be believed that any Senator, or committee of the Senate, would have introduced such a bill, or that the Senate would have entertained or considered it? In such a case the presumption is much stronger that the Clerk has, through mistake, made the journal speak an improper language, than that the Senate has violated the constitution, by originating a bill they had no power to originate.

Again: The treaty-making power is vested by the constitution in the President, by and with the advice and consent of the Senate. Suppose a treaty is made with a foreign nation, and published by proclamation for the information of the people, in the usual and legal form, may every one refuse to obey, because they do not find in the journal of the Senate some evidence of the advice and consent of that body? Suppose it should be found, from the published journal of this House, that we, instead of the Senate, had advised and consented to the treaty; and from the journal of the Senate, that a bill to raise a certain revenue, made necessary by the provisions of the treaty, originated there, instead of here, would both treaty and law be void, because of the ridiculous appearance of these things upon the journals? No, sir. Both the treaty and law should be enforced, and you should attribute the ridiculous appearance of the journals to a mistake of the printer, or Clerk, rather than indulge the idea that each House had transcended its

constitutional powers, and that the President had been deluded by their presiding officers.

It may be said that the contents of the published journal ought not to be relied on, without calling on the Clerks of the two Houses to state whether they correspond with the original manuscript. Who has authority to call the Clerks of either House before him to testify, or to produce the original manuscript journal for comparison. Who is to administer an oath to the Clerk, so that his statements shall be made under the usual solemnities imposed on witnesses? Could you convict him of perjury, if he produced as the original journal, and stated it to be such, that which was not the journal? Could you punish him for failing to attend before the Secretary of War, or any other executive officer, with the journal? Can the Secretary issue a *subpœna duces tecum*, and inflict the penalties for a contempt, in case it is disobeyed? I ask these questions, sir, for the purpose of exciting the minds of members to investigation. If they will endeavor to answer them, I am satisfied each one will convince himself that it is impracticable to ascertain from the journals what is or is not law.

I will briefly state the contents of the act of 1789, in connexion with the constitution and rules of the two Houses of Congress, for the purpose of exhibiting the mode adopted for the promulgation of our laws, and the guards which have been provided to prevent mistakes. The constitution requires that "every bill which shall have passed the House of Representatives and Senate, shall, before it becomes a law, be presented to the President of the United States." The constitution does not say by whom or what officer it shall be presented. It does not precisely declare how the President shall be informed of the passage of bills. It does not refer the President, for the information necessary to enable him how to act, to the journals. How shall he be informed? The constitution provides that "each House may determine the rules of its proceedings." Here is an express grant of authority. It would result from the power to legislate, if the constitution had been silent on the subject. The power to determine the rules of proceeding includes in it the whole of those regulations necessary to make known the action of the respective Houses of Congress to each other and to the President. Accordingly, by a system of joint rules adopted by both Houses, Congress has regulated the manner of communication from the one to the other, and likewise to the President. By these rules the Speaker of the House and President of the Senate are to sign each bill which is passed, and they are to do it "in their respective Houses," not at their lodgings, but publicly, in the presence of those who enact the laws. When all this is done, the Committee of Enrolments are directed to present the bill to the President for his approbation. How is he to dispose of it? The constitution says, "if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated." The President did approve and sign the bill for the benefit of Alford and Brush, and, having done so, he performed all the constitution required of him, except taking care to have it faithfully executed. The constitution does not direct what the President shall do with the enrolled bill after he has signed it. It does direct him to send it back, with his objections, to the House in which it originated, if he will not approve and sign; and, by joint rules, he is to be informed in which House the bill originated, by a certificate of the Clerk endorsed on the bill. But where he approves and signs, how is the bill to be preserved, and how is the law to be made known? The constitution furnishes no answer, but the act of 1789 gives one. That act requires the Secretary of State to receive it from the President, and to proceed with it by recording and publishing in the manner I have mentioned. This act also provides, in substance, that if a bill shall be passed by two thirds of both Houses of Congress, nothwithstanding the objections of the President to the contrary, the Secretary of State shall receive such bill "from the President of the Senate or the Speaker of the House of Representatives, in whichsoever House it shall last have been approved," and proceed to record and publish the same, as he would if the President had approved and signed it. Thus, sir, you perceive that it requires the union of the provisions of the constitution, an act of Congress, and the rules of the two Houses, to complete and carry out the work of legislation in all its parts, and to make it known to the people. You also perceive the safeguards which the system furnishes to detect error and prevent mistakes. I contend, when a bill passes through the ordeal provided by this system, and is recorded in the office of the Secretary of State, it there becomes a record of what the law is, and, as such, is to be verified under the seal, and cannot be controverted by opposing to it the manuscript or printed journal, or the oral testimony of the Clerks of the two Houses, or of any man.

I do not mean to assert that the guards are so numerous that there is no possibility of mistake, and that a bill, which never passed both Houses, could not possibly meet with the approval of the President, and find its way to the record in the State Department. I mean no such thing; for I well know that all human transactions proceed from imperfect beings, prone to err and liable to mistake, and therefore I admit the possibility, or, if you choose, the probability, in the present case, of the existence of a mistake. It may be that the bill for the benefit of Alford and Brush never did pass both Houses; and unless it did, it is not law. But the fact of its having been signed by the presiding officers, approved and signed by the President, examined by the Committee of Enrolments, and by them presented to the President, and recorded in the Secretary's office, are evidence that the bill did pass both Houses; and all that can be urged against it, to the contrary, is the statement in the journal of the Senate, that it was indefinitely postponed. If there be conflicting evidence, which shall prevail? Certainly that which is recognised by law, and made evidence by express provision. Such is the evidence to be derived from the records in the State Department, whereas the evidence derived from the journal has no validity imparted to it, either by the constitution or by any statute, nor is there any mode provided for obtaining the evidence the journal may furnish, when wanted.

In the nature of things, there is no more reason for confiding in the statements of the journal, than in the acts of the presiding officers of the two Houses, and the Committee of Enrolments. Their acts declare that the bill did pass. The signing of bills by the presiding officers is a very solemn act: all other business is suspended; the title of the bill or act, about to be signed, is distinctly read aloud in the presence of each House, and if it never had passed, any member might rise and make the question. Here is opportunity to correct and detect mistakes. Who can say that the agents engaged in this work are more liable to blunder and mistake than the Clerk who makes up the journal? Has it come to this, that we are to ascertain whether an act published in the statute book is or is not law, by entering into the inquiry, or rather by allowing an executive officer to go into the inquiry, whether the presiding officers of the two Houses, or their Clerks, are most liable to make mistakes? In postponing bills indefinitely, the Clerk may mistake the title of a bill which was passed for that which was postponed, and make his entry accordingly on the journal. The mistake may escape detection; and if it should, according to the practical doctrine of the Secretary of War, then the mistake of the Clerk would actually nul-

lify an act of Congress. Suppose the manuscript or printed journal should state that a certain bill was indefinitely postponed, when a member of Congress, paying particular attention to the subject of that bill, remembered distinctly, and was willing to swear, that the bill was duly passed and approved, and regularly signed by the Speaker: would not the affidavit of the member be as satisfactory evidence in favor of the law as the journal would be against it? I state this case, to show the absurdity of departing from the record evidence of what the law is, as furnished in the Department of State, and adopting other tests heretofore unknown.

The journal of the last day of the session is not read by the Clerk in the presence of the members of Congress, and they have no opportunity to correct any mistake which, in the hurry of business, may be committed by the Clerk.

It may be said that the constitution gives force and effect to the journals, and makes them equivalent to records, and imparts to them the intrinsic verity of records. That the constitution intended the journals of each House to be evidences for some purposes, no one can deny; but that the constitution designed to make the journals the highest and best evidence, and the fountain whence you must draw your information to decide questions like this before us, I deny. The act of 1789 is unconstitutional, if the journals alone are to be consulted in order to ascertain what the law is; for that act provides a different mode, which could not be done if the constitution prescribed the mode. Why, then, did the constitution require journals to be kept and published? I answer, that the leading object, if not the only one, was, to lay before the people the conduct of their representatives, and to exhibit their legislative history. The great value of the journals consists in the yeas and nays. The people in a representative Government have a right—a right of all others the most valuable—to control their representatives, to dismiss them whenever their course is disapproved, and to select others to manage their affairs. The people cannot bring their representatives to a settlement without keeping an account against them. The journal contains the account; the yeas and nays exhibit the items for and against each representative; and the publication of the journal enables the citizen voter, who is the judge for the occasion, to sum up the items, and balance the account. The representative is accountable to his constituents. The requirements of the constitution, in regard to the journal, were intended to secure and enforce a practical responsibility on the part of the representative. In this view, the yeas and nays on propositions which never become laws are as important as on those which pass.

If the President objects to the passage of a bill, and refuses to sign it, he is required to return it, with his objections, to that House in which it originated. In such case the constitution directs that his objections (not the contents of the bill) shall be entered at large on the journal, and that the vote on reconsideration shall be taken by yeas and nays. In such a case, it may be contended that the constitution designed to make the journal evidence of the law. Not so. The contents of the bill should appear on the journal, if we are to look in it to find the law. The constitution does not require that. But as the exercise of the veto power places the President and the two Houses of Congress in conflict before the nation, and as the principles involved in such cases will generally be of the first importance, the constitution requires that the political issue between the President and Congress should be fairly made up and presented, so that the triers, the voters of the country, may have the case fully stated when they come to sit in judgment. Such was the great object of the convention, in those constitutional provisions which relate to the objections of the President and the yeas and nays on reconsideration. The question before us derives additional importance at the present time, from the doctrines started on the subject of expunging. What will be the consequences of establishing the right to expunge, and justifying the conduct of the Secretary of War in this case? The most fearful and corrupt results may ensue. A servile Senate, forgetful of the motives and reasons which induced the fathers of the constitution to institute their body, lost to every sense of personal dignity and self-respect, either individually or in the aggregate, and fitted by degradation to offer the incense of flattery to the nostrils of power, so that "thrift may follow fawning," can, by uniting the doctrines of expunging with the practice of the Secretary, construct an engine of executive despotism strong enough to crush the liberties of this country. When a President wants a pretext upon which to refuse the execution of a law or a treaty, he has nothing to do but to set his minions to work, and have the journal showing the vote on the passage, or the advice and consent of the Senate in treaty cases, expunged; and then, sir, he may say there is no law, there is no treaty, and set up for himself.

It may be asked whether there is no remedy in case a bill through mistake should be signed by the presiding officers of each House, approved by the President, and find its way to the records in the State Department? There is a remedy. It is, to repeal the act. Congress must apply the remedy, and, in deciding upon the propriety of a repeal, it is a legitimate inquiry whether or not any mistake was committed in the passage of the bill. Upon such inquiry, the journals may be received as evidence, and may have such weight as each member chooses to give to them, and they might be repelled by parol testimony. Of all this Congress has the exclusive right to judge. If the Secretary of War has the right, he may always refuse to execute an act of Congress. Pass a second, a third, and a fourth bill for the relief of Alford and Brush, and the Secretary may refuse to execute any of them, alleging the existence of mistake. It is no answer to say that you would impeach him for repeated refusals, that such conduct would manifest corruption. He may honestly refuse obedience in every case, if you allow him to judge; and I am one of those who think there can be no conviction upon impeachment, unless corruption is established and fixed upon the accused. My argument is intended to show that the executive officer has no discretion, no right to look behind the law, as published by the proper authority.

As a judicial question, there is not an intelligent tribunal in the United States which would hesitate a moment in pronouncing the act for the benefit of Alford and Brush the law of the land. No lawyer could frame a special plea to get behind the record in the State Department. A law obligatory on the Judiciary ought certainly to be obeyed by executive officers.

I have thus, sir, presented my views of this singular and novel case. I believe the Secretary has erred, but through no bad motive.

Mr. WHITTLESEY moved to recommit the joint resolution to the Committee on Pensions.

Mr. WARDWELL then withdrew his motion.

After some further discussion, in which Messrs. VINTON, JONES, ADAMS, BOND, GARLAND of Virginia, STORER, GRENNELL, HOLSEY, GLASCOCK, BEARDSLEY, and HOAR, participated, and without taking any question,

The House adjourned.

SATURDAY, MARCH 12.

CONTESTED ELECTION.

The House resumed the consideration of the motion made by Mr. SPANGLER, to reconsider the vote reject-

ing the proposition to allow Mr. Newland leave to appear by counsel, in the prosecution of his claim to the seat in the House at present occupied by Mr. GRAHAM.

Mr. HARD remarked that he would not have added one word to protract this debate, if he did not deem himself measurably responsible for its introduction, and the interruption thereby of the action of this House upon the question of further time; a question which, in justice to both the parties interested, ought to have been decided some days ago. At the time he made the motion, he had risen to address the House on the question of postponement, and to urge the propriety of granting further time to the sitting member to collect his defensive evidence. But as he had intimated to the petitioner that he would move his admission on the floor of this House before any further discussion should be had in relation to his petition, he had therefore submitted his motion at that particular time: he had done so, too, with a reasonable expectation that the motion would have been received by the unanimous vote of the House.

When the gentleman from North Carolina [Mr. BYNUM] addressed the House on this question a few days since, he (Mr. H.) was so situated that he did not distinctly hear his remarks; but on reading them as he found them published in the Globe on the next morning, he perceived that that gentleman had charged him with improper motives in bringing forward this motion.

If he (Mr. H.) recollected the substance of those remarks, they charged him with having introduced it with a view to forestall the opinion of this House on the question of admitting counsel, and with the intention of defeating the resolution reported by the majority of the Committee of Elections. In answer to such a charge, he would barely remark, that come from what source it might, it was unkind, unparliamentary, and without a shadow of foundation. He was aware it did not become any gentleman to indulge in personal contests on this floor; he would, therefore, only add, so far as he had been concerned, he had entertained the kindest personal feelings towards the petitioner, and in this matter had acted in accordance with his expressed desire, and at the advice and request of his warmest and most discreet political friends. What, said Mr. H., was the origin of the motion which had given rise to so much debate? How did it acquire its present form? When he submitted it, if he rightly recollected its form, it simply asked that the petitioner be admitted to a seat upon this floor during the discussion of the question of further time; at all events, this was the character he intended to have given it. It was the amendment proposed by his honorable colleague, [Mr. MANN,] whose political orthodoxy none will question, that had thrown the original motion into its present shape, by modifying it in such a manner as to permit the petitioner to be heard in his own defence on the final question. He would ask gentlemen, then, who was the author of that portion of the proposition which supersedes the resolution reported by the gentlemen composing the majority of the committee? Was he the political enemy or friend of the petitioner? Why has the gentleman from North Carolina had so much to say about asking nothing from his (the petitioner's) enemies? Mr. H. thought he could see, in his course, a desire to give this question a political turn, with a view to prejudice the rights of the sitting member. He [Mr. B.] had charged all those who had expressed an opinion against the expediency of admitting counsel on this floor, of entertaining feelings unfriendly to the petitioner; and in answering the remarks of the gentleman from Massachusetts, [Mr. REED,] and his colleague, [Mr. GRENNELL,] he protested against submitting the case to such hands, as the petitioner had nothing to expect from such a quarter. If he (Mr. H.) had kept the run of the debate, as many of the political friends as the enemies had opposed the amendment. He hoped the House would never consent to treat this as a party question; as nothing could be more destructive to the rights of the parties concerned, and the freedom and safety of the elective franchise, than to turn our legislation on such subjects into mere partisan squabbles. If he were to follow the dictates of his own private feelings and inclination, without consulting the permanency of long-established parliamentary usage, he should most cheerfully accord his assent to the proposed amendment. This he would do, however, as a matter of grace—not of any right which the petitioner might claim. But he considered the amendment, if it should be adopted, as doing something more than extending an individual courtesy. It would be setting a precedent, prospective in its tendency, and as durable as your records, and as permanent as that instrument which holds this body in existence. He was unwilling to lend his vote, out of mere courtesy to any individual, to introduce an innovation so mischievous in its tendency.

The application to be heard by counsel at the bar of this House must, as Mr. H. conceived, be either addressed to its courtesy, or founded upon some legal or constitutional right. If they were to credit the concurring testimony of a number of the friends and colleagues of the petitioner, he did not desire counsel on the main question. It could not, therefore, be addressed to the courtesy of the House, as it certainly would not extend its courtesy to a case where it was not desired. But it had been said that the claim was a matter of imprescriptible right, sanctioned by precedent and universal practice. This he denied, as what had been the former practice of this body was, by the showing of the journals, long since discontinued.

The gentleman from North Carolina [Mr. BYNUM] had discovered great research into the practices and precedents of not only this House and the Senate, but of those of the Commons of Great Britain, and from thence had adduced cases to which he had referred us as authority binding upon this House; but he begged to remind the gentleman, if he would but examine those cases carefully, and inquire into the history of the parliamentary proceedings of both Governments in cases of contested elections, and mark the change that had been introduced into this House since the year 1804, he must be satisfied he had not furnished us with a solitary parallel case. In the House of Commons the petition of the claimant is referred in the first instance to a select committee, who are authorized to summon before them witnesses to testify, *viva voce*, of the matters relating to the petition. This committee are empowered to hear and determine the whole case, and their decision is conclusive upon both parties as to the right to the seat; before this committee counsel is always admitted, to draw out and sift the evidence. Similar to this had been the early practice of this House; and in the first case referred to by the gentleman, the case of the New Jersey member, in 1797, the petition of a number of citizens of that State, complaining of the illegality of the election, was referred to the standing committee, without any evidence accompanying it. That committee, finding that the extent of territory embraced in the United States would, in some instances, render it impossible to obtain *viva voce* testimony before a committee, in order to establish some convenient rule by which in future the House might be directed in collecting this kind of evidence, asked leave of the House, by resolution, to send out a commission to the State of New Jersey to take depositions to be read before the House. This course, although warmly resisted in the House by some members, was finally adopted; and, from that time until 1804, the practice had uniformly been to take the depositions of witnesses at their residence, and to commit those depositions to a

Committee of the Whole House, for their consideration. This was a partial change in the mode of conducting contested elections, though not such a one as wholly dispensed with the necessity or propriety of permitting the parties to appear by counsel at the bar of the House; and hence it was that, prior to 1805, the gentleman had found three cases where counsel had been applied for and granted, though there were but two cases where counsel actually appeared. But, said Mr. H., it was worthy of remark, that in the first case cited, the New Jersey case, the jurisdiction of Congress was questioned to send out a commission to inquire into the proceedings of the State election, and the parties asked that counsel might be heard on that point; and Mr. Madison very properly remarked that, where its jurisdiction was questioned, it would be indelicate for the House to deny counsel. Counsel, however, did not appear even in this case. But since the year 1804, Mr. H. said, another material change had been introduced into this branch of parliamentary practice. From that time to this, it had been the practice for the parties, on regular notices served, to take all their evidence before the case was presented to the House; in which case, all the papers, evidence, and other documents, were, by rules of the House, referred to the standing Committee of Elections, whose duty it was to admit the parties to a hearing, either by themselves or by counsel, and to hear, examine, and sift the evidence, and report their proceedings to the House, accompanied by the arguments, brief, and points, presented by the parties. Here it would be perceived that, by the present practice, the parties have the full benefit of counsel in that stage of the proceedings where it is most needed. From the consideration of these facts, Mr. H. contended that it was but fair to infer that from the change of the mode of conducting contested elections resulted that change in the practice of admitting counsel at the bar of the House. But it was not necessary to rely upon deductive evidence to satisfy this House that the practice had been discontinued. He had a case in his mind which would establish it affirmatively. He alluded to the very first case which arose after this change of practice: the case of Philip B. Key, of Maryland. All the evidence in his case was sent to the standing committee, where he was permitted to be heard by counsel; and we hear no more, although twelve cases had since been reported, of counsel being heard at the bar of the House in cases of contested elections.

From these considerations, he had been irresistibly brought to the conclusion that it had been the settled intention of the House, from its earliest history, to admit counsel where the evidence was to be collected and sifted. And this rule he considered could not, as had been urged, operate oppressively to either party concerned, as they had always been permitted to furnish, by themselves or counsel, their written arguments, which were appended to and formed a part of the committee's report, for the information of every member. This privilege had been extended to the petitioner in the case before the House, of which he had availed himself; this he (Mr. H.) thought was all that any person could reasonably ask, and with this the petitioner seemed himself to be contented. He should, therefore, vote against the reconsideration of the vote by which the amendment was rejected.

Mr. MANN, of New York, said he felt called upon to say a word or two in reply to his colleague [Mr. HARD] who had just taken his seat. His colleague had seen proper to sustain his argument by reference to him, (Mr. M.,) in holding him up to the view of the House as a standard of political and party orthodoxy on all party questions. He makes the remark in reply to the argument of the honorable gentleman from North Carolina, [Mr. BYNUM,] which he had not the pleasure to hear. He had never aspired to the distinction which his colleague, he must say, so gratuitously conferred upon him; and in offering the substitute the other day for the motion of his colleague, he was influenced singly by a desire to aid him in his momentary embarrassment, in reducing his motion to clear and distinct terms. It was no part of his purpose to assert a principle, though he confessed he could not distinguish so satisfactorily as some gentlemen had done, between the admission of counsel in this and similar cases, and other questions of mere private right. On questions of public right they never heard counsel, except such as was here in the representative capacity. He had voted against the admission of counsel in this case the other day, because the petitioner, after authorizing an honorable member to ask leave to appear by counsel, had changed his mind, and authorized another, his worthy friend, [Colonel CONNOR,] to say in his place that he did not wish counsel.

On this ground, Mr. M. presumed, many gentlemen voted on that occasion. The right of counsel Mr. M. regarded in most cases as a great constitutional right; not to be abridged for light or transient causes; and if the petitioner had adopted the usual course of asking seriously by petition, Mr. M. could not doubt that the House would have granted it by favor, if not as of right. The petitioner, however, had fallen into some inconsistency in respect to these preliminary matters, no doubt in consequence of his want of experience in controversies before this House; and these preliminary questions, in consequence, had occupied much more time than had been anticipated. Mr. M. had regretted to see his friend from North Carolina [Mr. BYNUM] spend so much of his ammunition upon the small game of the outposts, instead of reserving it for use upon the main question presented by the committee. Mr. M. had not discovered a disposition to make this a party question in any respect, and certainly, for himself, he had in no way indulged such a disposition; but Mr. M. would say to the friends of the sitting member, that if they continued a great while longer to resist the coming to a decision, it might ere long be deemed, in this House and in the country, a party question, even against the dispositions which now exist here. He therefore hoped that the House would come to a decision upon these preliminary questions without further delay, and set an early day for the consideration of the resolutions reported by the Committee of Elections in favor of the petitioner. Justice to him and to the State of North Carolina required this. He had leaned over the bar of this House, asking their decision every day since the meeting of Congress. As to the remark of his colleague, [Mr. HARD,] to prove that this was not with him a party question—that he (Mr. M.) had suggested the terms of a resolution, and that it was well understood that he (Mr. M.) was the very essence of orthodoxy on political questions—he must be permitted to say that he did not feel himself complimented, (however intended,) for it came in a shape too questionable, too "ghost-like," to be so understood. Moreover, the judgment of his colleague on questions of party orthodoxy had been so long "infected," that in his State his conclusions might not pass as hard coin; and he would consider himself obliged if his worthy friend would spare his certificates in these matters.

Mr. PEYTON was sorry to hear a threat thrown out of making this contested election a party question. He did hope this never would be the case, though he himself did not see how it was possible. He understood the gentleman from New York [Mr. MANN] to intimate pretty plainly that, unless gentlemen took a particular direction, they could and would have this a party question. But how was that possible? Did the gentleman from New York mean to be understood as intimating that

these gentlemen [Messrs. Graham and Newland] were not both of the same politics? Did the gentleman intend to be understood as charging that there had been any change in their politics since their canvass before the people? How then was it possible for the gentleman from New York to intimate and hold up a threat to that body, that unless a certain course be taken by certain gentlemen on that floor, it would result in making this a party question? Why, he did the gentleman whose cause he advocated great injustice; for the two gentlemen before the people declared themselves to be of the same party. Mr. P. denied, then, that a party question could arise out of this case, under any circumstances, and he hoped this was the last they should hear on that subject.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on the motion to reconsider; which were ordered.

Mr. MANN, of New York, rose and remarked, he merely wished to say a word in reply to the gentleman from Tennessee, [Mr Peyton,] which was that he (Mr. M.) considered himself *lectured*.

The question was then taken, and decided in the negative: Yeas 91, nays 96, as follows:

Yeas—Messrs. Adams, Chilton Allan, Ash, Barton, Bean, Bond, Bouldin, Bovee, Boyd, Brown, Burns, Bynum, Cambreleng, Carr, John Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, Cleveland, Connor, Corwin, Craig, Crane, Cushman, Darlington, Davis, Denny, Dickerson, Farlin, French, W. K. Fuller, Galbraith, Grantland, J. Hall, Hamer, Harper, Hawkins, Haynes, Hiester, Holsey, Hopkins, Howard, Huntington, Jabez Jackson, Richard M. Johnson, Cave Johnson, Kennon, Kilgore, Lansing, Gideon Lee, Joshua Lee, T. Lee, Leonard, Job Mann, Samson Mason, May, McKay, McKennan, McKim, Mercer, Miller, Montgomery, Morgan, Morris, Muhlenberg, Page, Patterson, F. Pierce, Dutee J. Pearce, Phelps, Pinckney, Potts, Rencher, John Reynolds, Joseph Reynolds, Schenck, A. H. Shepperd, Shinn, Spangler, Storer, Sutherland, Taylor, John Thomson, Turner, Vanderpoel, Ward, Wardwell, Webster, Weeks, Lewis Williams—91.

Nays—Messrs. Heman Allen, Anthony, Bailey, Banks, Beardsley, Beaumont, Bell, Bockee, Borden, Briggs, Bunch, William B. Calhoun, Campbell, Carter, Casey, Childs, Coles, Deberry, Doubleday, Dromgoole, Dunlap, Evans, Everett, Fairfield, Forester, Fry, James Garland, Gillet, Glascock, Granger, Graves, Grayson, Grennell, Griffin, Haley, Hiland Hall, Hannegan, Hard, Hardin, Harlan, Samuel S. Harrison, Hawes, Hazeltine, Henderson, Howell, Hunt, Huntsman, Ingersoll, Ingham, Janes, Jenifer, Joseph Johnson, Henry Johnson, John W. Jones, Judson, Kinnard, Lane, Lawler, Lawrence, Lay, Luke Lea, Lincoln, Logan, Love, Loyall, Lucas, Lyon, Abijah Mann, Martin, Moses Mason, Maury, McCarty, McComas, McLene, Milligan, Owens, Parker, Parks, James A. Pearce, Peyton, Phillips, Reed, Roane, Shields, Sickles, Slade, Sloane, Smith, Steele, Toucey, Towns, Underwood, White, Whittlesey, Sherrod Williams, Wise—96.

So the House refused to reconsider their vote.

The question then recurred upon the motion made by Mr. Hard, that the petitioner have leave to appear at the bar of the House, in his own behalf, upon the subject of his petition.

The hour for proceeding to the orders of the day having arrived,

Mr. GALBRAITH moved to suspend the rules for the purpose of proceeding with the consideration of this subject, but withdrew it at the request of

Mr. WHITTLESEY, who expressed a hope that the House was prepared to take the question without further discussion.

Mr. MORGAN asked for the yeas and nays, but they were not ordered; and the motion of Mr. Hard was agreed to, without a count.

Mr. MAURY then moved to suspend the rules for the purpose of proceeding with the consideration of the other motions relating to the report of the Committee of Elections.

Mr. CAMBRELENG hoped the motion would be agreed to, so that some disposition might be made of the subject that day, for it had already precluded reports from the standing committees for about three weeks.

Mr. MERCER moved to amend that motion by striking out "the purpose therein mentioned," and inserting "that the rules be suspended for the purpose of calling for reports of committees," but subsequently withdrew the motion.

Mr. HAMER asked for the yeas and nays on Mr. Maury's motion, which were ordered; and the question being taken, was decided in the affirmative: Yeas 143, nays 54.

So the rules of the House were suspended for the purpose indicated.

The CHAIR then explained the pending questions. The first recurred upon the motion made by the gentleman from Kentucky, [Mr. Boyd,] from the Committee of Elections, viz: that the report of that committee be postponed until Wednesday, the 2d of March, and be made the special order of that day. A motion to amend was then made by a member from North Carolina, proposing a more distant day, but that motion was subsequently withdrawn. A motion was then made by a gentleman from New York, [Mr. Mann,] to amend the original motion by striking out Wednesday, the 2d of March, and inserting Tuesday, the 8th of March. There was also a motion to recommit the whole report to the Committee of Elections, with instructions, by another gentleman from New York, [Mr. Hard.] The question pending at this time before the House was the amendment of Mr. Mann, of New York, to strike out Wednesday, the 2d of March, and insert Tuesday, the 8th of March.

Mr. MANN then withdrew his motion, and remarked that he had intended, when the House had decided the other preliminary question, to move a postponement to some day not far distant, when it would be convenient for the House to take up and act upon it. If the present was the proper time, he would now move to postpone the subject till next Wednesday week.

Mr. MAURY said he hoped the House would not make this subject the order of the day for any particular and proximate day, but that it would reject every motion of that nature, for the purpose of entertaining the resolution proposed by the gentleman from New York, [Mr. Hard,] to recommit the reports and documents to the Committee of Elections, with instructions to grant further time to the sitting member to take depositions. He respectfully asked the attention of the House for a few moments, while he proceeded to state, as succinctly as he might, the reasons in favor of such a disposition.

The Committee of Elections met for the first time on the second Monday of the present session. The chairman was instructed to inform the sitting member and the petitioner that on the following day their presence was desired, for the purpose of ascertaining if they were ready, and of entertaining any propositions which they might think proper to make. They appeared accordingly; the sitting member in person, and the petitioner in person and by counsel. In the course of the session, the sitting member submitted a protest, in which he objected to the reception, as evidence, of all the depositions referred to the committee, on account of the vagueness

and generality of the notices for taking them, which had been served on him by the petitioner. The counsel for the petitioner combated, with much earnestness and at great length, the objections contained in the protest; and the committee adjourned without coming to any decision on the subject. This protest, if sustained, would decide the question *in limine*, and render any further proceedings, at least till other testimony not liable to its exception should be produced, unnecessary.

In consequence, however, of the absence, from indisposition or other sufficient cause, of several members of the committee, a decision on the protest was deferred from day to day, until a full session of all the members could be had. This did not take place till the 15th of January, when the objections of the protest were overruled by a majority of the committee. The sitting member, on being apprized of this decision, promptly applied for further time to take depositions. He stated the persons whose testimony he desired to procure, the voters whose qualifications he impeached, and the particular disqualifications under which they labored. That this application was not earlier made, is ascribable to causes over which the sitting member had no control. At the earliest possible period he had offered a protest, in the nature of a plea in abatement, to all the testimony before the committee. If a decision had been made promptly and adversely to the views of the sitting member, there is every reason to believe that the application for further time would have been as promptly made. But the committee did not so decide. The investigation dragged its slow length along till the middle of January. If, then, this application would have been deemed reasonable at the commencement of the session, it is contended that the sitting member did not lose any right, ought not to be deprived of any privilege, in consequence of a delay which he not only did not occasion, but of which he deprecated the continuance. By every consideration of justice and fair dealing, he stood on the 15th of January, when the preliminary objections raised by him to the receivability of the testimony were overruled, precisely where he would have stood if those objections had not been made, or, when made, been promptly acted on, at the threshold of the investigation.

Placing, then, the sitting member on this ground, a ground from which he cannot rightfully be removed, let us examine whether the merits of the application are such as, if made at the outset, would have entitled him to the delay asked for.

The election was held early in August last. The sitting member was not apprized by the petitioner of his intention to contest the seat till the 2d of October following, a period of nearly two months. The first notice to take depositions was served on the sitting member on the 19th of October, and the 29th of that month designated as the time when the actual taking of them was to commence. In all this long interval, from early in August till the 19th of October, the petitioner, it is fair to presume, was ransacking the district for the purpose of ferreting out testimony to sustain his pretensions; while the sitting member, perhaps unapprized of these searching investigations, or resting secure in the returns of sworn officers, and in his certificate of election, did not make corresponding exertions.

When, therefore, the notices were served on him, he had difficulties to encounter which were peculiar to his position. He had a district of great extent to traverse, 200 miles in length by about 90 in breadth, comprising within its limits six sparsely populated counties, and presenting, in its broken and mountainous surface, physical obstacles to travelling of the most formidable nature.

He had to encounter an opponent forearmed, who had already surveyed the ground, selected his positions, and marshalled his array of witnesses. He had to act upon the inadequate information of vague and general notices to appear, in rapid succession, at points remote from each other, alike uninformed of the witnesses to be examined, the voters alleged to be unqualified, and the particular disqualifications charged against them. It resulted, then, from the very necessities of his position, that he was taken by surprise. It was utterly impossible that he should prepare himself, beforehand, with explanatory or rebutting testimony. Every thing was withheld from him but the single privilege of cross-examination, and of that he could not avail himself, in one instance, at least, even by attorney.

The depositions, as before stated, were commenced to be taken on the 29th of October. In thirty days from that time, the sitting member was called to this place to enter upon the discharge of his public duties. Of these thirty days, the greater portion were monopolized by the petitioner, leaving him inadequate time *to travel intermediate distances*, much less to take depositions in his own behalf.

Such being the facts of the case, can it be pretended, with any approach to plausibility, that the sitting member was placed on a level of equality with his competitor? that he had an equal opportunity afforded him of procuring and marshalling his testimony?

At an early stage of this debate, the case of Letcher and Moore was cited as a precedent in point against the pending application. But, so far as it was analogous to the present, he (Mr. M.) drew from it a directly contrary conclusion. That election, like the one in question, took place early in August; the district was much smaller, the country more level and traversable, and not only the names of the voters, *but the person for whom they voted*, placed on record. The latter advantage, resulting from the *viva voce* mode of voting, must have greatly abridged the labor of the parties to that controversy. Yet, on reaching this place, they both applied for further time, and further time, till the 1st of January, was granted them. In point of fact, they did not return till the middle of that month, and they were allowed till some time in March to prepare briefs, and arrange the testimony. If time was granted to both in that case, why not to one in this?

On the 31st of November and 1st of December, depositions were taken on behalf of the petitioner at Morgantown, in Burke county, about six hundred miles from this place. The sitting member was notified of the fact; but alleges that, inasmuch as it was physically impossible for him to attend there, and reach the seat of Government, where paramount public duties called him, by the 7th of December, he wrote to one friend, and on the suggestion afterwards of his absence, to another friend, to attend and act in his behalf. Neither of them did attend; and the sitting member was, in fact, unrepresented. The depositions taken under these circumstances are, therefore, *ex parte*, and ought not to be received as evidence.

He (Mr. M.) was no lawyer; but he had always understood that the object of notice was to give the adverse party an opportunity to attend either in person or by attorney, for the purpose of cross-examining witnesses. If he cannot attend in person, the option, which can alone give validity to the notice, is taken from him. The obstacles to personal attendance may be either physical or moral. Physical, as if, for example, sufficient time be not allowed him to reach the place designated in the notice, on the day appointed. Moral, if paramount public duties of which the party serving the notice was cognizant, called him in another direction. Either of these causes would alike vitiate a notice. If the sitting member had been represented at Morgantown, on the occasion alluded to, this objection might not be insisted on. But as he was not, the argument addresses

itself forcibly to the equitable consideration of this House. On the necessity of cross-examination to the full and correct evolution of facts, Mr. M. said he would not enlarge; it need only be suggested to produce a proper impression on every mind at all conversant with judicial investigations. A state of things might possibly arise, resulting from the decision of the House on other points involved in this controversy, which would make the admissibility of this testimony the hinge on which the election would turn; and the question is propounded, whether gentlemen could reconcile it to their sense of justice to oust the sitting member upon the evidence which may justly be characterized as *ex parte*, and under circumstances which would render them obnoxious, whether deservedly or not, to the imputation of partiality, or at least precipitance?

There is another view of this case, (Mr. M. said,) which he wished to present. This is not so much a contest between the sitting member and the petitioner, as between the majority and minority of the people of the twelfth congressional district of North Carolina. The point of difficulty is to ascertain which is the rightful majority of legal voters. By all the sanctions of our free institutions, the voice of that majority, from whichever side it may issue, has a right to be heard on this floor. Every avenue should be opened which may let in additional light upon the subject. Let the facts on each side be fully and fairly presented, and then we may arrive at a decision which will abide the test of public scrutiny. Even if the imputation of laches, of negligence in procuring testimony, could justly attach, as it cannot, to the sitting member, this should not affect, injuriously, the interests of those whom he claims to represent. The petitioner, if indeed he be the rightful representative, cannot be injured by delay, but, on the contrary, benefited. Time has ever proved itself not the enemy, but the friend, of truth.

Another argument in favor of delay is deducible from the fact that there is no law of Congress regulating the mode of proceeding in cases of contested election. The sitting member was suddenly launched into this ocean of investigation, without chart or compass to direct his course. It cannot be said that he has not conformed to law, when there is no law. He knew not what evidence was admissible, and what inadmissible. The statute book did, indeed, once speak upon the subject; but its voice has long since ceased. The law expired by its own limitation, and Congress applied no Promethean fire to prolong its existence. If precedents be appealed to, they are vague, loose, and contradictory; sometimes adapted to subserve the ends of temporary political interests, sometimes conforming to the laws of the particular State in which the contest arose, just as the caprice or wisdom, the policy or passion, of majorities in this body, or its committees, might suggest. Under these circumstances, to adopt a rigorous rule, and give it a retrospective operation, would be virtually to enact an *ex post facto* law—a mode of proceeding which is the resort of despotism, and therefore not to be tolerated in a free country.

It may be said that the sitting member should have looked to the laws of North Carolina regulating the mode of proceeding in contested elections for the State Legislature. The proper reply to this is, in the first place, that those laws have no binding force either upon him or upon Congress; and in the second place, that regulations which may be very appropriate to cases of which the theatre of operations is circumscribed within the limits of one county, may be very unjust and oppressive in their practical bearings, when extended over a congressional district of six times the extent. The laws of North Carolina, for example, provide that notice of an intention to contest the seat of a member returned for the Legislature shall be given within thirty days of the meeting of that body. This time may be amply sufficient where the sphere of investigation is confined to one county. But where, as in the present case, six counties are embraced, the number of days, by the rule of proportion, would be multiplied sixfold.

Allusions have been made in the course of this debate to the political preferences and connexions of the parties to this controversy. The gentleman from North Carolina, [Mr. Brown,] in reference to the motion, dictated by a sense of justice, of the gentleman from New York, [Mr. Hard,] to allow the petitioner a seat within the bar of this House, and the privilege of speaking in his own behalf, remarked the other day that he would hesitate to receive favors from political or personal enemies. The gentleman from New York [Mr. Mann] threw out this morning an intimation, or threat, that, unless a certain course, indicated by himself, was pursued by those whom he was pleased to denominate the political friends of the sitting member, this would be made a party question. Political or personal enemies! Party questions! Sir, how came these gentlemen to know that the political connexions of the sitting member and the petitioner were different and adverse? Rumor has informed us that, in their canvass before the people, both those gentlemen avowed the same political preferences in regard to men. If the rumor be unfounded, they both have seats upon this floor, and can disabuse our minds of the false impression. But if it be true, what propriety is there in giving utterance to such sarcasms and minatory admonitions? Granting, however, that those gentlemen have held, or do hold, antagonist sentiments and preferences, in regard to the great questions, whether relating to men or measures, which divide and agitate the country, is the principle to be acted on, and not only acted on but openly avowed in this hall, that on questions of a judicial resort, on questions which affect the purity of the elective franchise, the discipline of party is to prevail over the dictates of justice, and right to be trampled under foot at the nod of power? Sir, this is a judicial question. Our functions are those of judges, not of legislators; of jurors to try facts, and not of political partisans to stifle or distort them. Let us examine and decide upon the question in a spirit of candor and impartiality. Let us place it where alone it should stand, on its naked abstract merits, separated from every extraneous attribute of party, and purified from the discolorations of passion or of prejudice. Let us grant the application for further time.

Mr. BOYD did not rise to make a speech, but being of the majority of the Committee of Elections, it would be necessary for him to state some of the grounds which induced the committee to refuse the sitting member further time to take testimony. It appeared by the documents which the committee had examined, that the petitioner had given written notice to the sitting member on the second day of October last, that he would contest his election. That notice was given in compliance with the laws of North Carolina, and the very words of the law were embraced in the notice. No gentleman would doubt the legality of the notice, or that it was not given in good time to take all the depositions which might be needed. The simple question, then, before the House was, shall the sitting member have more time to take testimony to lay before the House? From the time notice was given the sitting member, to the meeting of Congress, there were sixty-six full days to take testimony; and he seriously asked that House whether sixty-six days were not sufficient time for taking all the testimony which could possibly be necessary? But it had been remarked that there were only twenty-nine days allowed for taking testimony, and that nearly all of that time had been occupied by the petitioner. He had only to

remark, in reply to that, that the sitting member had the same opportunities that the petitioner had, if he had chosen to avail himself of them. He had stated on a former occasion that the sitting member had given as many notices of places where he intended to take depositions as the petitioner; that he had given the petitioner notice of his intention to take depositions at places one hundred and fifty miles apart, on the same day, and this had occurred in more than one instance. If gentlemen would turn to the printed documents, they would see that sufficient notice had been given to take all the testimony necessary. But if it should be shown that the sitting member had not employed himself in the collection of testimony, could he, in justice, ask further time? If it should appear that he had not diligently searched for testimony, could he come there, and, in justice, ask more time? It seemed to Mr. B. unreasonable. He had shown that the petitioner gave the sitting member notice on the 2d of October, and from that time he might have been taking testimony, if he had thought of it; but it appeared that, from the 2d of October until the 30th of that month, the sitting member never moved in the subject at all. Let gentlemen turn to the testimony, and examine the facts, and not trust to his arguments, as he did not expect to convince gentlemen by arguments, but by the facts of the case. The first notice that was given by the sitting member was on the 13th of October. Now, what was he doing in those twenty-eight days? If he was not taking testimony, he might have been doing so. But gentlemen had told them that the sitting member ought not to consider his election as contested, until the petitioner acted in the matter. Did not the sitting member believe the petitioner, when he gave him notice in writing of his intention to contest his election? Such being the case, Mr. B. asked if the sitting member should not at once have applied himself to the taking of testimony? or, if he failed to do so, why should he come to the House now to ask further time? He hoped he had been understood. It was a fact, and he repeated it, that twenty-eight days out of the sixty-six allowed the sitting member for taking testimony, had not been employed by him at all in that business. If the sitting member had come there and showed that he had been employed all his time, and that was not sufficient, then they might allow him further time; but the facts were otherwise, and the notices would show them to be otherwise. He would not enter into an argument with the gentleman from Tennessee in relation to the protest of the sitting member. His recollection was simply this: that, at the earliest stage of the question, the committee did virtually, and in fact, decide against the sitting member's protest, and in favor of the sufficiency of all the notices. He meant precisely what he said; so that no gentleman could be deceived. He stated further, that if any application had been made to the committee for further time, before the middle of January, he never had heard of it, and he was regular in attendance at the meetings of the committee. This was a simple history of the question. When the subject was before the committee, the chairman had gone in favor of the validity of the notices; he had stated, that notwithstanding it was required in Virginia that the names of all voters charged as illegal should appear in the notices for taking depositions, notwithstanding that was the express law, it had never been observed by former committees, and the House had never thought it necessary to require it. At that time a majority of the committee decided against the gentleman's protest, and in favor of the sufficiency of the notices. The committee went on and examined the testimony clear through, and took notes of such parts as were necessary. His recollection went further; that about the 14th January the parties were admitted before the committee, and that the sitting member was asked whether further time was needed; but he would not determine, and never did determine, until he had examined the evidence entirely through; and on the 16th day of January he came forward and asked further time. He believed that this subject ought to take precedence of all others. Every consideration prompted them to settle it as soon as the facts could be ascertained; and a very strong case should be made out, before they should grant further time for taking testimony. Well, when the application was made for further time, what were the grounds, the written grounds? Turn to them, and you will discover that the most important one was the evidence of the sheriff of Haywood county, which evidence was to prove that some six or eight illegal votes had been given to the petitioner; and, by two other gentlemen's evidence, six other illegal votes were to be proved. But, upon examination of the documents, it would be discovered that the testimony of the sheriff of Haywood county had already been taken, and the agents of both the parties had attended the examination; and as to the remainder of the testimony alluded to, it could not affect the final result. He considered that sixty-six days were sufficient time for the parties to take all the depositions necessary; or, having failed to do so, they could not in justice come forward now and ask for further time. His own judgment was, that there was sufficient time for taking testimony before the meeting of Congress, and he waived all other objections. He could not perceive in what stage of the proceeding the committee had done injustice to either of the parties. If gentlemen would look at the documents, they would see that the asking further time would have been in the first place an unreasonable request; but it was made doubly so by the fact that it was not asked until the middle of January, yet still more so to be asked at this time. Why did the sitting member not appeal in the first place to the House for further time? He had looked into the *ex parte* testimony which the gentleman from Tennessee [Mr. MAURY] had complained of. The facts were these: the sitting member objected to the testimony taken at Morgantown, because he had no agent there to cross-examine the witnesses. Mr. B. asked gentlemen to turn to the records, and they would discover that the sitting member had twenty-seven days' notice of the intention to take depositions at that place; and if he failed to attend, whose fault was it? This was a strange sort of argument.

Mr. MAURY said the gentleman had misunderstood him. He did not object to the notice which had been given, but he had stated that the sitting member had a moral obligation of a paramount nature which called him to Washington, and that he could not be in Washington at the meeting of Congress, and in Morgantown at the time specified.

Mr. BOYD resumed. The petitioner had given the sitting member sufficient notice, and he might have attended either by himself or by counsel. The sitting member, too, had made it impossible for the petitioner to attend at the times and places at which he had notified him to attend. If he recollected right, the sitting member might have attended at Morgantown, and then come on to Washington; but certain it was that twenty-seven days was sufficient notice, so that he might either have attended himself, or had an agent to attend for him. But he believed, in some of the written communications of the sitting member, it would be found that he had himself stated that he had an agent in every county in his district. In Mr. B's judgment, the committee had done right, and he believed the House would do wrong if it granted further time. As to party feelings, which had been spoken of, he had only to say that he had turned back and examined himself thoroughly to see if party had any influence in the course he had taken, because he should

be sorry, extremely sorry, to ascertain hereafter that he had been swayed in his decision by party feelings.

Mr. MASON, of Ohio, followed in reply, and contended that the sitting member had not been allowed sufficient time, and that the time that had been allowed was almost entirely engrossed by the petitoner, for the former could not proceed to take testimony until the latter had closed, who occupied the time till the sitting member was compelled to set out for Washington. He was in favor of both parties having all the time they would say, upon their honors, was necessary.

Mr. PEARCE, of Rhode Island, contended that it was indispensible for the House to go into the merits of the report before they could possibly come to a conclusion whether further time ought to be allowed or not; and he was consequently opposed to the discussion of this preliminary question at that time.

Mr. GRAHAM (the sitting member) replied at length to Mr. BOYD, and disapproved of the course taken by the committee in not allowing him more time to take testimony.

Mr. NEWLAND (the petitioner) then rose and returned his acknowledgments to the House for the unanimous vote by which he was permitted to appear on the floor in his own behalf. It had been truly said of him, remarked Mr. N., that he was a plain farmer, and unaccustomed to public speaking, which must be evident from the visible embarrassment he felt on the present occasion. He trusted, however, if the House would condescend to hear him on Monday or Tuesday next, he should be able not only to overcome that, but to hurl back much that had been said to him. It was due to his own character, and to the rights of those who sent him there, that he should seek the earliest opportunity to do this, at the same time he begged leave to assure the House that he had no hostile motive or intent to accomplish, and no latent ambition to gratify. He presented himself there, sent, as he solemnly averred, and hoped to be able to convince that body, by a majority of his constituents, to contend for and maintain, to the best of his humble ability, their rights, and not his own. He again expressed his deep and unfeigned obligations to the House, and a hope that Monday or Tuesday would be assigned him to address them at length.

On motion of Mr. HOWARD,

The House then adjourned.

MONDAY, MARCH 14.

REORGANIZATION OF THE MILITIA.

The House took up the following resolution of the Legislature of the State of New York, on the subject of the reorganization of the militia system by Congress, presented on Monday last by Mr. GILLET, viz:

"*Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to use their exertions to procure such amendments to the acts of Congress, organizing the militia, as shall relieve the people, as far as practicable, from the burdens of the system, without impairing its efficiency."

Mr. GILLET said that he desired that this resolution should go for consideration to the standing Committee on the Militia; and, with the view of presenting distinct propositions for their action, he moved the following instructions:

That the committee inquire into the expediency of so altering the laws relating to the militia as to provide—

First. That all free white able-bodied male citizens of the United States, between twenty-one and forty-five years of age, shall be enrolled in the militia.

Second. That, of the persons so enrolled, all who are under twenty-seven years of age shall, once in each year, be called out for a period not less than six days, and remain under arms during that period, with a view of improvement in military discipline and martial exercise; and such persons to be minutemen, and to be first called upon in case of insurrection or invasion.

Third. That the persons who are so called out, and remain under arms, shall receive a reasonable compensation for their time.

Fourth. That the Government of the United States shall furnish, at proper depositions, for the use of the persons thus called out, all needful tents, arms, and accoutrements.

Fifth. That there shall be deposited, at the proper points on the frontiers and seaboard, all necessary and proper arms, including brass cannon, and accoutrements, and ammunition, to supply the enrolled militia, when called into actual service in defence of the country.

The constitution of the United States has vested in Congress the power "to provide for organizing, arming, and disciplining the militia, and for governig such part of them as may be employed in the service of the United States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress."

This provision had emanated from those who had pledged their lives, their property, and sacred honor, in the cause of liberty; those who had justly appreciated the evils of a standing army, and had referred to them as one just cause for resisting British sovereignty. The wisdom of this provision has seldom been questioned; and there are few known to the public, who would hazard a reputation, by advocating the abandonment of militia, and the substitution of a standing army. The potency of the latter, in controlling and directing events, not connected with their legitimate employment, has been too frequently and forcibly illustrated to be soon forgotten; while the former has, on all occasions, been found a safe, cheap, and efficient power, when properly directed, in aiding the civil authority in the due exercise of its power, in the execution of process, the suppression of domestic violence, and in repelling invasion. When the citizen soldier has accomplished the objects which called him to arms, and fulfilled the requirements of duty to his country, he joyously bids adieu to the tented field and the horror and havoc of war, resumes his station in society, and enjoys the blessings of peace and tranquillity in the bosom of his family. The whole aim of his military life is to protect and preserve his country, and secure to himself and his fellow-citizens the enjoyment of freedom at their own fireside. While the hired mercenary of Europe is impelled by his appetite for bounty, the American citizen soldier has no motive but the glory of his country and the peace and happiness of its citizens.

In order, however, to secure to the country this efficient, safe, and available force, it is necessary to secure a proper organization of the militia. The present organization does not produce the desired result. Soon after the adoption of the constitution, when the whole number of free white inhabitants in the Union amounted to only about three millions, a law was passed organizing the militia. It bears date May 8, 1792. This law requires all free white able-bodied persons, between the ages of eighteen and forty-five years, to equip themselves and perform military duty. With slight modifications, this law remains without alteration. This act was passed when our population was limited in number, and at a time when the Indians were hanging upon our extensive frontier with hostile feelings. The country has undergone a change; but no corresponding change has been made in our law regulating this subject, although it has long been desired, and without it the system must

sink. It now receives, for the want of proper legislative attention, much of public contempt.

The constitution of the United States, in prescribing the duties of the President, says:

"He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

Under the direction given in this clause of the constitution, the subject of the more efficient and proper organization of the militia has been recommended by the different Presidents, in all, thirty-two different times, commencing with General Washington's inaugural address.

Mr. Jefferson is now allowed by all to have possessed clear and correct views in every thing that relates to the good of his country. His opinions are at this day taken as the true standard on all such subjects. In his message to Congress in 1805, he said:

"Whether it will be necessary to augment our land forces will be decided by occurrences, probably, in the course of your session. In the mean time, you will consider whether it would not be expedient for a state of peace, as well as of war, so to organize or class the militia as would enable us, on a sudden emergency, to call for the service of the younger portions, unencumbered with the old and those having families. Upwards of three hundred thousand able-bodied men, between the ages of eighteen and twenty-six years, which the last census shows we may now count within our limits, will furnish a competent number for offence or defence, in any point where they may be wanted, and will give time for raising regular forces, after the necessity of them shall become certain; and the reducing to the early period of life all its active services cannot but be desirable to our younger citizens of the present as well as future times, inasmuch as it engages to them in more advanced age a quiet and undisturbed repose in the bosom of their families. I cannot, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps, fit for real and active service, and to be called in regular rotation."

These suggestions, so pertinent and valuable, have been amplified and adopted by General Jackson, in his message to Congress at the opening of its present session. His opinions on this subject are entitled to great respect and consideration, as there are few who will deny to him high consideration as a military man and a defender of his country.

In his message he says:

"Occurrences to which we as well as all other nations are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced, by the importance of the subject, to bring it to your attention. To suppress domestic violence, and to repel foreign invasion, should these calamities overtake us, we must rely, in the first instance, upon the great body of the community, whose will has instituted and whose power must support the Government. A large standing military force is not consonant to the spirit of our institutions, nor to the feelings of our countrymen; and the lessons of former days, and those also of our own times, show the danger as well as the enormous expense of these permanent and extensive military organizations. That just medium which avoids an inadequate preparation on one hand, and the danger and expense of a large force on the other, is what our constituents have a right to expect from their Government. This object can be attained only by the maintenance of a small military force, and by such an organization of the physical strength of the country as may bring this power into operation, whenever its services are required. A classification of the population offers the most obvious means of effecting this organization. Such a division may be made as will be just to all, by transferring each, at a proper period of life, from one class to another, and by calling first for the services of that class, whether for instruction or action, which, from age, is qualified for duty, and may be called to perform it with least injury to themselves or to the public. Should the danger ever become so imminent as to require additional force, the other classes, in succession, would be ready for the call. And if, in addition to this organization, voluntary associations were encouraged, and inducements held out for their formation, our militia would be in a state of efficient service. Now, when we are at peace, is the proper time to adjust and establish a practicable system. The object is certainly worth the experiment, and worth the expense. No one appreciating the blessings of a republican Government can object to his share of the burden which such a plan may impose. Indeed, a moderate portion of the national funds could scarcely be better applied than in carrying into effect and continuing such an arrangement, and in giving the necessary elementary instruction. We are happily at peace with all the world. A sincere desire to continue so, and a fixed determination to give no just cause of offence to other nations, furnish, unfortunately, no certain grounds of expectation that this relation will be uninterrupted. With this determination to give no offence is associated a resolution, equally decided, tamely to submit to none. The armor and the attitude of defence afford the best security against those collisions which the ambition, or interest, or some other passion of nations not more justifiable, is liable to produce. In many countries it is considered unsafe to put arms into the hands of the people, and to instruct them in the elements of military knowledge. That fear can have no place here, when it is recollected that the people are the sovereign power. Our Government was instituted and is supported by the ballot-box, not by the musket. Whatever changes await it, still greater changes must be made in our social institutions, before our political system can yield to physical force. In every aspect, therefore, in which I can view the subject, I am impressed with the importance of a prompt and efficient organization of the militia."

Mr. G. said the conclusions of his judgment accorded very nearly with the President's, as would be observed by reference to the propositions he had submitted.

It is objected to the present system, first, that the number required to perform militia duty is unnecessarily large.

This is a true and a valid objection. The present organization was adapted to the times at which it was produced. The number of persons liable to perform duty under it at that time cannot now be ascertained; but, judging from the amount of population then and now, it may be fairly estimated at about two hundred and fifty thousand. This militia force was then considered amply sufficient to protect our extended and varied frontiers under the most adverse circumstances. The country has changed, but there is no modification of the system. The law that then secured the services of two hundred and fifty thousand, now imposes duty upon about a million and a half of persons. These men are called out, upon an average, at least three days in each year. If their time and expenses are valued at one dollar per day, it forms an aggregate of four millions five hundred thousand dollars per annum. The welfare of this country does not require such an annual tax, which falls almost exclusively upon that class which is least able to bear it.

To obviate this objection, he had proposed merely to enrol a large force, but not to require any duty of a very large portion of the persons composing it, except when called into actual service.

The second objection is, that the present law requires the service of minors who are eighteen or upwards, while their time and services belong to the parent, and that the parent is compelled to equip his sons. This objection is not without its force. There is little justice in requiring of one who is paying, or has paid, on his own account, the militia tax, to give up the time of his sons for this purpose, and much less justice in requiring him to purchase arms for them. This period with very many young men is spent at school, and in other employments, which render it inconvenient for them to meet the requirements of such a law. Moralists have long objected to minors entering upon those duties at such an age.

He had provided that the earliest period of enrolment should be at the age of twenty-one years. This is the period when young men have finished their education and become masters of their own actions, when they become entitled to the privileges of freemen, and should share in the honor and responsibility of protecting and defending the country from all foreign or domestic aggressions.

A third objection is, that those whose character and standing in society qualify them to sustain the credit and respectability of the militia are exempt from duty. The weight of this objection rests upon the extent and character of the exemptions. In some of the States it will be found that those who participate in the honors of certain public employments, and those engaged in certain professions and callings, are exempt from duty.

Mr. G. said he knew of no one whose station in society, or whose calling, exalted him above the obligation of defending his country. He hoped no man was considered above defending it. He who administers justice in the forum, and he who performs the sacred rites of our religion at the altar, might well aid in giving dignity and sanctity to the glorious employment of protecting and defending our altars, our wives, our children, and our homes. While the most distinguished classes are exempt from duty, the service sinks into disrepute, and it becomes the scorn and contempt of those who ought to be its chief supporters, if not of the whole community.

He had made no provision to allow any exempts; and he confidently expected that the effect of enrolling all would be to place the protecting our country on elevated ground. Should he ever meet a man who looked upon defending it as beneath him, he should place him on the catalogue of the enemies of the country.

The fourth objection is, that the arms and accoutrements, now in the hands of the militia, are not generally fit for actual immediate service.

Mr. G. said he was well aware of the validity of this objection. Not an inconsiderable portion of the arms now met with in the ranks of the militia were such as would not be tolerated in the army.

Mr. G. said we have two national armories, one at Springfield, and the other at Harper's Ferry, at which arms are fabricated for the use of the regular army. At these the musket now costs $12 25, and the accoutrements complete cost $3 01, making $15 26. Hall's rifle costs $17 50, and the accoutrements for it $4 05, making $21 55. The carbine costs $18. Since the Revolution, great improvements have been made in the manufacture of powder, and it now has nearly double the strength it then had. It follows, of course, that a corresponding change is required in the strength of the musket. The change is now introduced in our armories, and hereafter they will not only possess the requisite strength, but will be so constructed that each part of a musket will fit any other one of a like construction.

In addition to the two national armories, there are six private ones, at which such arms are made as are designed to be distributed under the law of 1808, providing for the arming of the militia. At each of these armories all arms are inspected and proved by agents of the ordnance department, before they are received by the Government. At these trials many are condemned. Others, that have been in the use of the Government, are condemned as unfit for the army. All these condemned arms are now sold, and a vast number of them are found in the hands of the militia. That very many of them are worse than useless all must admit; and he hoped, hereafter, measures would be adopted to prevent the increase of this evil.

Mr. G. said he would add, that some of these refuse and condemned muskets were sold as low as four dollars and fifty cents. Another portion, now in the hands of the militia, were the relics of our former wars, of different magnitudes and constructions, and covered with the rust of the last century, and many in the worst possible order. He thought many a regiment, if faced about to meet an enemy, would find a very large portion of their arms quite incompetent for defence. Many, also, would prove far more fatal to their possessors than to the enemy. Their faultiness would prove fruitful in disasters, produce confusion and dismay, which would be likely to end in defeat and disgrace.

To guard against the evils calculated to flow from this source, he had proposed that the Government should furnish all the arms and accoutrements. Then all the articles used would be of the best quality, and fit for instant use.

The soldier requires the same guarantee from the Government of the goodness of his arms with which he defends the country, as he does of the genuineness of the coins in which his wages should be paid. Why should the militiaman, the efficacy of whose first aim may so materially affect the question of success, be supplied with an inferior article? It may be said he should buy the genuine article; in reply to which it may be asked, where can it be purchased? The valuable products of the national armories are not thrown into market for sale; and, if they were, self-interest or necessity would induce a large majority to purchase the inferior article, on account of its cheapness. The poor article, which is one of mercantile speculation, is almost the only one within his reach. Hence the militia are compelled to purchase the refuse article thrown from your armories, the like article from abroad, or such as are manufactured by individuals on speculation, where there is no guarantee of quality beyond the external appearance. It is useless to require the militia to furnish their own arms, when they are so seldom fit for actual service. The Government should furnish them, and keep them at such places as will enable the minutemen at all times to be supplied with a first-rate safe article, to be returned when no longer needed.

A fifth objection is, that no military knowledge is derived from the ordinary trainings.

Mr. G. said he could not admit the truth of this objection to the full extent. In many sections of the Union there are those who profit largely by their efforts at improvement. Whole companies, and even whole regiments, had arrived at a state of discipline worthy an American militia, and even a regular army. His own personal knowledge enabled him to say that military talent had been frequently developed at militia trainings that would not suffer by comparison with much in the regular service. Still it must be admitted that less military knowledge had been generally acquired than a due regard to our welfare required. The average time

that persons now train, in each year, is about three days; making an aggregate, during the twenty-seven years of service required by law, of eighty-one days. It had not been customary to call out the privates more than one day at a time; and the consequence had been, that between the trainings they usually forgot much of what they had previously learned. By the time the words of command became intelligible to them, the exercise was ended. He proposed to require the trainings to continue at least a week. During this continuous period, much instruction might be imparted, which would not be soon forgotten. The aggregate of service would be lessened more than one half, while the improvement would be quadrupled. Instead of requiring eighty-one days' service during the whole term, only thirty-six would be exacted, making a saving of forty-five days.

Mr. G. thought it impossible to keep up a military spirit in the country, without trainings and martial exhibition. He would ask when it was that gentlemen felt the beating of the high military pulse? The answer must be, at the time they saw a brilliant military array, conducted in an orderly manner. He well recollected it was these exhibitions that induced him, at an early age, to leave the quiet enjoyments of home for the camp of war, and regret still lingered in his bosom that parental authority had defeated his purpose of doing so. The periodical and protracted trainings which he had proposed would develop the military talent required in case of actual service, and would foster a spirit that would never yield to any opposing force. It would prepare a corps of active young men, ready for any emergency, the very existence of which would preserve domestic quiet and prevent all invasions. It would restrain the turbulent spirit of the Indians in the West, and cause them to respect our authority, which they would otherwise contemn. It would also restrain the outbreakings of that spirit which had been attempted to be excited at the South by the mischievousness or wickedness of fanaticism.

The sixth objection urged against the present law is, that it requires every person to equip himself at his own expense.

Mr. G. said he had, when discussing the quality of equipments in the hands of the militia, partially examined this point. He was of the opinion the true basis of all taxation is property. The tax should be laid, not upon the individuals, but upon the wealth of the country. No one would pretend that it would be just, or consistent with the spirit of our institutions, to tax the man who was not worth a dollar the same that you would one worth ten thousand dollars. Such a proposition would find favor in no quarter. If it should ever become necessary to lay a direct tax, is there a single member in this House who would propose to tax every individual, let him have much or little property, the same sum? Would any one expect the concurrence of the people in a proposition to tax all the free white able-bodied citizens between eighteen and forty-five years of age, the sum of fifteen dollars, leaving all others untaxed? The ordinary expense of a good musket, bayonet, and accoutrements, is about fifteen dollars, while the same quality of rifles and appendages cost about twenty. The law, which requires certain of our citizens to provide themselves with equipments, rests in equity upon the same foundation as the tax just mentioned. it is equally unjust, and as much at variance with the principles of free Government. He had provided in his propositions that arms should be furnished by the Government at its own expense.

Mr. G. said that the principle of the law which exacts a service in time of one citizen, not required of another without compensation, rests upon the foundation just mentioned. To individuals it was of little consequence whether you require of them a day's labor, or their earnings for a day. It is alike a tax. With the militia it is a tax, not imposed upon the community generally, but it falls usually upon that class of persons least able to bear it. What reason can be assigned why a man under forty-five, of the same wealth, should pay a tax from which his neighbor, who is a year older, is exempt? Why should we make a man who is able-bodied pay a tax from which a neighbor is exempt, because he has some slight personal defect, which may not prevent him from constant labor? Mr. G. said he could see no reason why those who were fortunate enough to hold official stations, and those who devoted themselves to particular elevated callings, should be exempt from taxes imposed on others in humble walks in life. They needed the protection of the Government as much as others, and should equally participate in the hardships and expenses of defending it. There should be no privileged orders. The laws should protect all, and all should be required to aid in their support in the preservation of freedom.

The same rule which you apply to others serving the public ought to be applied to those who serve it as militiamen. Not an officer, from the President to the least important town officer, goes unrewarded for his services. Every one is paid in proportion to the estimated value of his services. May you not as well call upon those public officers, who serve but a few days in a year in civil duties, to do so for nothing, as to ask it indiscriminately from those who are enrolled in the militia? The injustice of this tax had been distinctly admitted by legislation, in the State he had the honor in part to represent. A small number of militia, (non-commissioned officers,) had been exempted from a certain portion of the State tax, in consequence of the conceded and glaring inequality of the tax imposed upon them. The only reason why they are exempted from the State tax, (highway labor,) is that they bear the militia tax in a greater degree than others.

The object designed to be obtained by the establishment of our Federal Government is stated in the constitution to be, "to form a more perfect union, establish justice, ensure domestic tranquillity, to provide for the common defence, promote the general welfare, and secure the blessings of liberty." To accomplish these purposes, the constitution had given the General Government certain powers, and he had not heard a doubt expressed but what it extended as far as was necessary to sustain his propositions. Every President and every Congress, since Washington's time, had sanctioned laws which could stand upon no broader foundation than the principle he contended for. Under a power in these words, "to raise and support armies," during General Washington's administration, a school was established at West Point, where young men were educated at the expense of the Government, so as to develop and secure in the country military knowledge, a small portion of whom find their way into the army. There is certainly more reason for disciplining and improving those whose services are certain to be at the command of Government, than in educating those who may or may not form a part of the defence of the country. Under the power "to provide and maintain a navy," teachers were employed and young men taught; and he believed a school of instruction had often been proposed by the Navy Department, if not by Presidents. He was not, however, aware of any being instructed who were not already in the service of the country, and, in this respect, they were on a footing with the militia. Every Congress since its establishment, he believed, had voted appropriations for West Point. While that institution was sustained, he could not conceive how the expense of "organizing, arming, and diciplining the militia," could be objected to. If these words do not authorize the

Government to expend money, then he would inquire by what authority does Congress purchase and distribute books of instructions for militia officers; and upon what authority rests the act of the 23d of April, 1808, appropriating two hundred thousand dollars annually for the purpose of "providing arms and military equipments for the whole body of the militia?" He thought this law was an emphatic admission on the part of Congress that at least the burden of purchasing arms ought not to be borne by the militia who performed duty. The right to relieve from one part of the tax must be as great as it is in the other; and the duty of Congress to exercise that right, at a proper period, seemed to him to be equally imperative.

Mr. G. said he sincerely hoped that Congress, before the close of this session, would suspend a portion of those discussions which seemed to have little effect, except to exhibit ebullitions of political or personal feeling, and do an act of justice to the militia. Questions of order were of far less consequence to the country than a well-regulated and efficient system of public defence. He wished to see the efforts of the militia at improvement as elevated as their deeds had been glorious at Plattsburg and New Orleans. He hoped to see the time when this important arm of the public defence should no longer be spoken of with contempt and ridicule.

The law of 1808 was designed to be the means of placing arms in the hands, or within the reach, of "the whole body of the militia of the United States." Two purposes were had in view: to aid in the public defence, and to relieve the people from the burdens of providing themselves with arms. The manner of the distribution was left to be provided for by the State Legislatures. This had been different in different States. In Ohio, he had understood the arms were kept in depositories within certain districts—were used at trainings, and returned. This accords with the evident intention of the law of 1808, and met his hearty approval.

But why should we stop at this annual appropriation of $200,000? We are daily told of dire calamities that are to fall upon and overwhelm us, because we have so many millions in our Treasury. May not this money very rightfully and patriotically be used in furnishing the arms and the other means of defence for the country? Was there a more noble object than preparing to preserve and perpetuate our liberties? There are about 1,500,000 militia enrolled in the United States; and among all these, the latest returns show but about 400,000 muskets and rifles, including many fowling-pieces. It may be safely said that not more than one half of these are fit for actual service. The number of brass cannon is two hundred and ninety-nine; iron cannon, three hundred and forty-six. The latest returns to the adjutant general's office show, in Michigan, ninety-eight muskets, and seven hundred and thirty-two rifles; Missouri, seventy muskets, and one hundred and fifty-seven rifles; the District of Columbia, one hundred and forty-four muskets, and sixty-six rifles; not a cannon in either, except four in the latter. Illinois, Florida, and Arkansas, do not return any arms. If these returns are correct, (and he had no reason to doubt them,) it showed most clearly the necessity of a speedy application of the energies of the Government, to put the country in a better state of defence. He had referred to these States and Territories in no spirit of unkindness; on the contrary, he wished to see the necessary steps taken to put them in a better condition. His attention had been turned toward those on the frontiers, to ascertain their condition, and their ability to repress Indian hostilities. There were men there, noble and brave men; but he looked in vain for the weapons of defence. He had looked in vain for that exhibition of strength and power which were likely to deter and repress savage vindictiveness. The weakness of these border States invite the tomahawk and scalping-knife. It sufficiently accounted for the Black Hawk war, and the present struggle in Florida. These two wars alone will cost millions. Half of their expense, properly used in arming and disciplining the militia on those frontiers, would have prevented the effusion of blood, would have secured the persons and property of our fellow-citizens, and kept in awe those savage hordes, whose friendships so often changed to hatred when the fear of chastisement no longer restrains them.

Is it consistent with the honor and dignity of this Government, is it compatible with the lessons of experience, to continue the present state of things? From these returns, it appears that only about one fourth of the whole militia have arms. It is true that there may be arms in several States not returned; but whether that is so or not, he could not ascertain. He could only look at what had been returned by the officers whose duty it was to make returns. The fault was not with him, if he was in error. The Government is now able, and let it move with spirit in this matter.

To provide muskets and accoutrements for the present number of militia will cost over twenty-two millions of dollars; it will cost those required to perform duty that sum. The expenditure from the public Treasury for the object and in the manner he had proposed could not excite local jealousies, nor prove a weapon in the hands of politicians, with which to fight their battles for power or place. Other propositions to use the public revenue have been met with various, and some of them by constitutional, objections. Some of them are calculated to increase local wealth, and build up the fortunes of individuals. History proves that, in practice, this increase generally occurs in favor of those whose fortunes are previously large, as they are the principal actors in controlling events. All cannot, in that way, share equally in the benefits conferred; but by carrying out his proposition, the benefits will be equally diffused to all parts of the Union, and will reach that class who are the pillars of our prosperity and protection, in peace and war those who resist the encroachments of power, in whatever guise it may appear, and those who in person defend our country and her cherished institutions. His plan did not propose to increase the wealth of any, but to relieve all from burdens. It held forth no rewards to avarice or cupidity, but simply to prepare manfully to defend and protect our common country and her institutions, in a constitutional and equitable manner.

Let the means of defence be as ample, and the burdens on the people be as light, as possible. Fortify where necessary; make the naval preparations demanded by our position in the world; place all needful arms at proper points on the frontiers and seaboard; give your young men the proposed instructions, and insurrections will cease to desolate our cities; savage barbarity will cease to disturb the slumbers of our citizens, and spread desolation and ruin among them; and foreign foes will never venture on our soil, or trample upon our rights. While we have power, and exhibit it to the world, we shall command respect, and our rights will not be invaded. If, from our misjudged economy or parsimony, other nations shall think lightly of our means of defence, and our ability to command respect, we shall fail in having our rights properly appreciated and respected.

He hoped his propositions would find favor with the House, and, at all events, he trusted that this discussion would arouse its attention to the subject, so as to ensure speedy action in some form. If any good should result from the agitation of this question, he should feel amply compensated for the little time he had been able to de-

vote to it. To his mind it was too important a subject to remain unattended to, and would not permit himself to doubt that the House would give it a full share of attention.

Mr. HAMER understood that this whole subject was already before the Committee on the Militia; and before he was called upon to vote instructions for that committee to report, he desired an opportunity of examining them.

Mr. GILLET explained that the instructions extended no further than to direct the committee to inquire.

Mr. HAMER was about to move to have them laid on the table and printed; but as they did not instruct the committee to report, he would not press the motion.

Mr. GLASCOCK, as chairman of the Committee on the Militia, stated that all the facts sought to be inquired into and embraced in the instructions intended to be given to that committee were already before that committee. He had, however, no objection himself to the adoption of the resolution. All the bills hitherto reported to that House at former sessions, and which, unfortunately, had never been acted on, were also then in possession of the committee.

Mr. G. further stated that he himself considered this a very important question, and believed that some measure should be enacted for the purpose of organizing the militia throughout the country. Knowing and feeling the importance of this question, he informed the House that a bill would be prepared before the adjournment of the present session, and presented to the consideration of the House. The bill would be presented after great deliberation, and important matters, taken from the bills heretofore introduced, would be incorporated in it. He believed such a bill would be reported as would meet the views of the majority. Whether it would be reported in time to be acted on during the present session of Congress was somewhat doubtful, from the press of business before the House; but it would, at all events, be reported in eight or ten days, and might be acted on during the coming session. He would suggest to the gentleman from New York [Mr. GILLET] that any amendment he might think proper to offer might be offered when the bill came up for action. It had become somewhat fashionable to instruct committees as to what they were to do. This Mr. G. thought unnecessary. If gentlemen had any suggestions to make with regard to any plans they might wish to incorporate in any bill, they would always be listened to with attention by the chairman or any member of the committee. But, independent of this, let him ask, if the fact was not well known, that every individual had it in his power to offer any amendment, or any additional clause he might think proper, at certain stages? Bearing this fact in mind, it did seem to him that it was altogether unnecessary to instruct the committee on the present occasion. He conceived it wholly unnecessary, particularly as the very object of the inquiry embraced in the instructions was before the committee, and, at the same time, he begged it to be distinctly understood that he had no objection to their adoption.

Mr. HALEY moved the following amendment, to come in as an additional instruction to the instructions of Mr. GILLET:

"And that the Committee on the Militia be instructed to inquire into the expediency of paying the militia of the United States, when called out for military exercise, inspection, and review, as now organized."

Mr. H. explained that he introduced the amendment at this time in order that the committee, before reporting the bill, might be in possession of the views of others in relation to the subject. He was of opinion that the militia ought to be paid. The Government found ways and means to pay every body else who performed any duty, with the single exception of the militia. They compelled the militia to perform services for three or four days in the year, subjected them to fine and imprisonment for neglect of duty, and all for nothing.

Mr. LINCOLN opposed the amendment at some length, and was in favor of the instructions of the gentleman from New York. He was entirely opposed to any provision for paying the militia, as it would tend to degrade the character of the freeborn citizen of this country, and assimilate him to the mercenary tools of despotic tyrants. He designated the proposition as in effect nothing more nor less than one to get rid of the surplus revenue. Mr. L. bestowed a high eulogium upon the character of the militia, citing various instances of their conduct, and hoped a measure would be introduced for its better organization.

At one o'clock the SPEAKER announced the special order, being the consideration of the appropriation bills; but, on motion of

Mr. EVANS, the House suspended the rules, for the purpose of proceeding with the call for petitions and memorials: Ayes 112, noes not counted.

Mr. HAMER did not rise for the purpose of discussing the subject at present, although to him it was one of as much interest as perhaps to any other gentleman. He trusted, however, an opportunity would be afforded at the present session of Congress, for a full discussion of the question; he would then embrace the opportunity of giving his views to the House. He would say, further, that he admired the high grounds the gentleman from Massachusetts [Mr. LINCOLN] had taken, although he could not agree with him in regard to details. He would say that there was no better material in any country for public defence, than a well-organized militia; and no country ever was free, or ever could be free, which depended upon a standing army for defence. But that was not the time for discussion, the rules having been suspended for the purpose of presenting petitions. He moved that the whole subject be laid on the table for the present, and the instructions printed; but withdrew the motion at the request of

Mr. GLASCOCK, who stated that, when he was up before, he had only remarked that he was apprehensive that the bill would not have an opportunity of being brought up for consideration at the present session, as there were so many other subjects of importance before the House which would take precedence over it. It would, however, be reported in eight or ten days, and it would then be for the House to determine whether it should be considered at the present session or not. He would go with gentlemen in their efforts to get it up and dispose of it at the present session.

Mr. G. then renewed the motion to lay on the table and print; which was agreed to.

SUPPRESSION OF INDIAN HOSTILITIES.

The bill making a further appropriation for suppressing Indian hostilities in Florida was read the third time.

Mr. STORER said he did not rise to oppose the bill, but merely to ask for some light on the subject. If it were necessary, he would vote for ten times the amount asked for, but he could not do so unless it was actually necessary. He said they had already voted half a million of dollars for the suppression of Indian hostilities in Florida, and to feed all the suffering inhabitants thereof; and he asked the chairman of the Committee of Ways and Means if he could show any reasons why they should vote more money. He said it was the practice with the committee of which Mr. S. was a member to give the reasons, when they reported a bill, for so doing; but there the committee which had the whole management of the appropriations of the House intro-

duced bills without a solitary reason to sustain them. He wished to know what were the grounds for the appropriation at present asked for.

Mr. CAMBRELENG called for the reading of a letter from the Secretary of War, which, he remarked, would probably be satisfactory to the gentleman from Ohio.

The letter of the Secretary of War was then read, and the bill passed.

DAUPHIN COUNTY (PA.) MEMORIAL.

The House took up the memorial, heretofore presented by Mr. CLARK, of certain citizens of Dauphin county, Pennsylvania, asking an appropriation of money for the purpose of removing to the coast of Africa free persons of color and manumitted slaves.

Mr. CLARK having moved to refer the memorial to a select committee, and that it be printed, the question pending was the motion of Mr. PATTON to lay the memorial and the motion to refer and print on the table.

Mr. CLARK asked for the yeas and nays on the motion of Mr. PATTON; which were ordered, and were as follows:

YEAS—Messrs. Anthony, Beale, Bean, Beaumont, Bockee, Boon, Bovee, Boyd, Brown, Bunch, Bynum, Cambreleng, Campbell, Carter, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Efner, Fairfield, Farlin, Forester, French, Fry, William K. Fuller, James Garland, Gillet, Glascock, Graham, Grantland, Grayson, Griffin, Haley, J. Hall, Hamer, Hannegan, Hardin, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, J. W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Klingensmith, Lansing, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Logan, Loyall, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McComas, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Franklin Pierce, Peyton, Phelps, Pickens, Rencher, John Reynolds, Joseph Reynolds, Roane, Robertson, Rogers, Augustine H. Shepperd, Shields, Sickles, Smith, Standefer, Steele, Taliaferro, Thomas, Waddy Thompson, Toucey, Towns, Turrill, Vanderpoel, Ward, Washington, Webster, Weeks, White, Sherrod Williams—129.

NAYS—Messrs. Adams, Heman Allen, Ash, Bailey, Banks, Barton, Bond, Borden, Bouldin, Briggs, William B. Calhoun, Carr, Casey, George Chambers, Childs, Clark, Corwin, Crane, Darlington, Denny, Evans, Everett, Philo C. Fuller, Granger, Graves, Grennell, Hiland Hall, Hard, Harlan, Harper, Samuel S. Harrison, Hazeltine, Hiester, Hoar, Howell, Ingersoll, William Jackson, Janes, Kinnard, Lane, Lawrence, Lay, Thomas Lee, Leonard, Lincoln, Love, Samson Mason, McCarty, McKennan, Mercer, Miller, Milligan, Morris, Parker, Patterson, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Schenck, Shinn, Slade, Sloane, Spangler, Storer, John Thomson, Underwood, Vinton—69.

So the memorial was laid on the table.

The remainder of the day was spent in the reception of memorials, &c.

Then the House adjourned.

TUESDAY, MARCH 15.

HOUR OF MEETING.

Mr. BELL asked the unanimous consent of the House to submit the following resolution; which was read:

Resolved, That, hereafter, the daily hour to which this House shall stand adjourned shall be 11 o'clock A. M., until otherwise ordered.

Objections being made,

Mr. BELL moved the suspension of the rules; and upon this motion the yeas and nays were ordered.

Mr. MERCER moved to amend the motion so as to add the following: "And that the rules be also suspended for the purpose of enabling the committees to make reports."

The CHAIR stated that the motion was not now in order.

The question being taken on the motion of Mr. BELL, it was decided in the affirmative: Yeas 144, nays 43.

Mr. HARDIN moved to amend the resolution by striking out "hereafter," and inserting "after the 1st day of April."

Mr. CAMBRELENG said we had no time to spare, and the sooner we began to meet at 11 o'clock the better. He should oppose the motion, and he demanded the yeas and nays upon it; which were ordered.

The question being taken, it was decided in the negative: Yeas 82, nays 112.

Mr. HAWES moved to postpone the further consideration of the resolution till Monday.

Mr. MANN, of New York, said he had turned back to the journals of several sessions, and found that it was usual about the 12th or 15th of March to commence the sittings at 11 o'clock.

The motion to postpone was rejected, and the resolution was agreed to.

Mr. BEARDSLEY moved to suspend the rules for the purpose of enabling the committees to make reports. Lost.

Mr. JENIFER rose, and said he would suggest to the gentleman from Maine [Mr. JARVIS] not to press his motion to reconsider the resolution submitted by him (Mr. J.) in relation to the General Post Office, as he had received, since the adjournment of the House on yesterday, a communication from the General Post Office Department, which was satisfactory, and precluded the necessity for the adoption of the resolution.

Mr. CAMBRELENG moved that the House resolve itself into a Committee of the Whole on the state of the Union, for the purpose of executing the special order of the day.

Mr. BOYD moved to suspend the rules, for the purpose of proceeding, this day, in the consideration of the report of the Committee of Elections on the subject of the North Carolina contested election; and thereupon the yeas and nays were ordered.

The question being taken, it was decided in the negative: Yeas 121, nays 77; not two thirds.

The question recurring upon the motion of Mr. CAMBRELENG, for the House to resolve itself into a Committee of the Whole on the state of the Union, for the purpose of executing the special order of the 27th of January, it was agreed to.

NAVAL SERVICE BILL.

The bill making appropriations for the naval service of the United States for the year 1836 was then taken up in the Committee of the Whole on the state of the Union, (Mr. MILLER in the chair.)

The question being on the motion of Mr. BELL, to reduce the proposed appropriation for the navy yard at Portsmouth from $67,000 to $33,500,

Mr. EVANS said he was aware that the immediate question under discussion was that which had just been propounded by the Chair; and if that had been the only question spoken to in this debate he should not have troubled the committee with any remarks upon it. Occasion, however, had been taken to go somewhat at large into the general subject of disbursements of public mo-

ney for national objects; and opinions had been expressed as to the operation and tendency of the revenue laws of the country, which, though stated with great force and ability, and entertained, he doubted not, with perfect sincerity, were, nevertheless, in his judgment, entirely erroneous, and which, therefore, he thought deserving some reply. I do not (said Mr. E.) complain of the latitude of debate which has been indulged in, because, upon great and interesting topics of public policy, freedom of discussion ought by no means to be restrained. I may, however, be allowed to remark, that I do not regard the present occasion the most suitable, under all circumstances, which was likely to occur for so wide and general a debate, however important the subjects which have been drawn into it; inasmuch as bills of appropriation for larger sums and much greater objects are soon to be brought to our notice. This is a bill of indispensable necessity and urgency. It provides for the payment of the officers and seamen of the navy, of superintendents, naval constructors, and laborers at the several yards; for supplying provisions, medical and hospital stores, clothing, fuel, &c., to those employed in the public service, and to whom we are under the obligations of contract to make payment and to furnish supplies in the manner proposed by the bill. It further provides "for improvement and necessary repairs" at the various navy yards, for the security, protection, and preservation, of the valuable property which is there deposited. It contains, also, appropriations for other objects connected with the naval service, deemed of essential importance, and to which I do not know that objections exist in the mind of any one. It is, therefore, as I think, one of the last bills which ought to be delayed by an extended discussion upon general subjects of revenue and expenditure, of military and maritime defence, and of other topics incidentally connected with them. Each particular item, undoubtedly, ought to be well considered and scrutinized; and so far, certainly, free and full discussion ought to be allowed and encouraged. Nevertheless, as I have said, I do not complain of the latitude which has been taken, and shall be obliged myself to go somewhat wide of the immediate question which has been stated. Before, however, proceeding to the main purpose for which I have risen, I will submit a brief remark or two in reference to some of the items of the bill upon which gentlemen have spoken. In the main, unless I derive new information upon the subject, I shall give my support to the proposed appropriations. I do not, however, fall in at all with sentiments, rather thrown out than seriously advanced, in the earlier stages of the discussion, that estimates from the Executive Departments are to be taken and adopted, and appropriations made in accordance with them, unless their fallacy can be shown by those who object to the expenditure.

Estimates from competent sources are guides, and valuable guides, in forming our opinions, and sometimes may be the only guides we possess; but we have committees, to whose careful and rigid scrutiny these estimates are submitted, and who ought to satisfy themselves, and generally do, from *all* the sources of information within their reach, of the *accuracy* of the estimate, as well as of the expediency of the measure proposed. Every member will give to the estimates submitted to us just so much credit, and no more, as he thinks they respectively deserve; it is, nevertheless, his unquestionable right; nay, his *imperious duty*, to be fully satisfied of the wisdom and expediency of the measure recommended, before he assents to the appropriation of the money for its execution. It was, therefore, I hold, no unreasonable call upon the Committee on Naval Affairs, some time ago, for minute information of the specific improvements and repairs, and the necessity for them, designed to be accomplished at the navy yard at Portsmouth. How far that call has been satisfactorily answered, by reference to the estimates of the Navy Commissioners, gentlemen will, of course, determine for themselves. My honorable colleague, the chairman of the committee, [Mr. JARVIS,] I doubt not, is prepared with the minutest information that may be desired. For myself, Mr. Chairman, I may say that I repose as much confidence, nay, more, in the recommendations and estimates from that source, than from any other branch of the public service. The navy furnishes as much of liberal, disinterested, and patriotic devotion to the interests of the country, unswayed by other and selfish considerations, as any class of the community whatever. The nature of the profession itself tends to expand the mind to an enlarged view of *national* policy, as affected by a naval establishment; and its distinguished and accomplished officers, I am sure, are above all *local* or selfish considerations. They are not apt to swerve from their own conceptions of public duty, to gratify any controlling power; nor are they seeking preferment and emolument in civil life, fawning round the doors of executive patronage, and adopting such opinions as may suit the interest of others to impose upon them. Recommendations and estimates from this source come to me, therefore, with strong claims to my confidence; and I can perceive nothing in the present instance to shake that confidence.

Something was said by an honorable friend over the way, [Mr. EVERETT,] of the expediency of abandoning altogether the navy yard now existing at Portsmouth; and, therefore, of withholding any appropriation for its improvement and repair. Others have spoken of the propriety of reducing the number of navy yards, by abandoning not only this, but several others. Upon this question I have hardly formed an opinion. Many considerations pertain to it; and its deep importance forbids a hasty determination. Much will be due to the results of experience; to the judgment of naval and scientific men, and of those most skilled in matters of this description. Some gentlemen have supposed that two yards of construction would be sufficient for all our wants. Evidently there ought not to be so few that, in case of war, any naval force that the ocean bears up could effectually blockade the whole, and that the destruction of a single one would be attended with great and disastrous consequences. But, sir, we are to take things as we find them. The navy yards are now in existence, established by law, and holding large amounts of public property. If there be too many, or if any of them be located at an improper place, abolish those which are unnecessary, by all means; but do it by a law for that particular purpose. So long as they are in existence, must we not preserve them, improve them, repair them? Shall the timber and other materials on hand be suffered to decay, and the works fall in ruins, for the want of adequate protection, because doubts may exist in some minds whether we have not more yards than are necessary? If it were so in truth, the remedy is not to break down or wear them out, by the indirect mode of withholding appropriations, but by a law, duly considered, having the concurrence of all branches of Government, to reduce the number, and at the same time to provide for the security and preservation of the property placed within them. Inasmuch as the existing yards were established upon mature deliberation, by those competent to judge, and who had been invested with the power, they ought not, in my judgment, to be abandoned but upon mature deliberation also, and a clear conviction that they are not essential to the interests of the country. I would not, however, make large and permanent improvements at any one, so long as a serious and well-founded intention existed of attempting its abandonment, and while it might be regarded an unsettled question whether it should be continued or not. These

are some of the general principles which seem to me proper to be regarded in coming to a conclusion upon the various items of the bill under consideration.

An objection was made in some quarter of the House, a few days ago, to the continuance of the navy yard at Portsmouth, founded on its vicinity to that established at Charlestown, it being supposed that both are not necessary within the short space of sixty miles. If it were so, the question would then arise, which of them ought to be abandoned? My honorable colleague [Mr. SMITH] repelled this objection by referring to the long extent of coast eastward of Portsmouth which was almost wholly without defence, and which he thought ought to be taken into account in computing the proper distances for naval stations. This proceeds upon the idea that a navy yard is a work of defence and protection; which, most clearly, it is not. It is rather a means of weakness; in other words, it invites attack; it requires to be defended, instead of furnishing defence; and I imagine it will be found that appropriations for fortifications have been much greater at points where navy yards exist, from that very circumstance, than would otherwise have been made. A member from New Hampshire [Mr. CUSHMAN] spoke the other day upon the importance of retaining the present establishment at Portsmouth, because it was a safe harbor, free from ice in the coldest seasons, and always accessible; and he supposed a case of a national ship, returning from abroad in midwinter, chased by a superior force, which might be captured or destroyed unless it could enter a port accessible at that inclement period. In the case put, I see no particular reason why the vessel might not as well seek shelter in Portsmouth harbor, were no navy yard there, as if there was one. No absolute necessity requires a ship of war to enter a port where a navy yard is located, particularly if the purpose be to seek protection. It may be of convenience to do so; but the argument, carried out, would go the length of maintaining that there should be many more navy yards than now exist, if we are to provide for every supposable case of contingency or convenience. The waters of Portsmouth harbor will be as deep and unobstructed in winter, without the yard, as with it, and will furnish as safe a retreat. I notice these arguments, which I deem untenable, not because I am opposed to the continuance of the navy yard at Portsmouth, but for the reason that I shall hereafter have occasion to submit some observations upon what I consider the true and only principle which ought to prevail in determining the location of public works designed for the benefit and protection of the whole country; and because, also, arguments similar to these have been used in regard to other places, which I may also notice before I close. A navy yard of construction, where ships of war of various classes are built and repaired, is one thing; and a naval depot, where they may be fitted out, and perhaps slightly repaired also, where they may enter for protection or other purposes, is another thing. Probably more establishments of the latter and fewer of the former kind may be found expedient; but upon these topics I hold myself uncommitted until some definite proposition is offered, when it will become my duty, as well as that of others, to be possessed of all the information essential to a just decision of it.

Mr. Chairman, dismissing, with these remarks, the particular subjects presented in the bill under consideration, I come to the chief purpose for which I have risen; and that is, to notice some of the arguments used by my honorable and eloquent friend from South Carolina [Mr. THOMPSON] against the system of disbursements generally, and which, in his judgment, justifies the withholding further appropriations until a radical change be effected in the policy hitherto observed. I shall speak of the general scope and spirit of his argument, rather than follow the minute details upon which it is founded; because, even if his calculations of past and proposed expenditures be correct, they do not, in my opinion, furnish just ground for the course he indicates, nor a firm basis for our future policy. The honorable gentleman contends, if I do not entirely misconceive him, that the whole past policy of the Government, in regard to its disbursements, has been unequal, unjust, and oppressive; drawing almost its entire revenue from one section of the Union, thereby impoverishing and exhausting it, and pouring down its fertilizing showers upon another, which is daily growing richer and more verdant under its benign influences. The Government, he says, visits one region only as a tax-gatherer, levying reluctant contributions with unrelaxing severity; while to another it goes as a beneficent dispenser of benefits and favors. This is an injustice which, he contends, no free people ought to submit to, and which, when the facts are understood as they will be understood, he says, they will not submit to. It is no Government for them; slaves to such oppression they will not be; liberty is the greatest object of their desire; and liberty they will have, even at the hazard of the Union. Sir, I had indulged the hope that the period for discussion and sentiments like these had passed away, never to return; that the clouds which once lowered upon us had been dispersed, and in the "bosom of the ocean buried." Nothing, surely, is more to be deprecated than discussions of a geographical and local character. They lead to no good; they engender much of evil feeling; and I cannot but think we should better serve the cause of our country by efforts to allay popular excitement, than by fanning up the flames of discord; by striving to increase the confidence and the affection of the people towards our institutions of Government, and pointing them to the blessings it confers, than by furnishing motives and incentives to disunion and disaffection, and weakening the hold which they have upon the perpetuity of the Union. I presume not, however, to judge for others. My honorable friend, I have not the slightest doubt, entertains the opinions he has expressed, with the most undoubting conviction of their truth, and in all sincerity; certainly, he has stated them with great fairness and ability. But the more sincerely they are cherished, and the more ably vindicated, so much the more dangerous do they become, and the more important it is to examine them, and to refute them, if it may be done, in the same spirit of candor and sincerity.

The first position which has been taken is, that the South pays a very large proportion of all the revenues of the country. This is founded on the assumed fact that it produces almost the entire amount of the exports which go in exchange for the imported articles upon which customs are levied. The doctrine is not new upon this floor, although it is somewhat new to the world. It is the discovery of our times, called out by peculiar emergencies for a particular crisis of affairs, and, having answered its end, had passed away, I supposed not to be again revived. I have heard it maintained with transcendent ability in this hall, but never without being refuted. Practical statesmen, financiers, writers on political economy, of any reputation, nowhere within my knowledge adopt the theory which forms the basis of the assumption. The doctrine I had thought to be well established, that the consumer pays the duty; that it incorporates itself with, and forms a part of, the cost of the articles upon which it is levied. The argument upon the other side is, that the producer—the grower of that which goes abroad to purchase a foreign commodity—whether he send it or not, or whether he receives its return or not, in reality pays the duty upon importations. It is said that he receives for his productions just so much less by the amount of duty than he

would receive if no duty were imposed upon the foreign importation. It is very true, sir, that all we receive from abroad we must pay for in productions of our own, the fruits of our own labor upon the land or the ocean, in the forest or the field. If my honorable friend is the grower of a hundred dollars' worth of cotton, which he exports to procure his supplies, and I am the grower, so to speak, of a hundred dollars' worth of money, which I send for the same purpose, or which I pay him for an equal amount of cotton, are we both not taxed alike upon the return of our adventure? Has he paid the duties upon my goods as well as upon his own? When Government has levied its contributions, have I more left than he has? But it has been said his cotton would be worth more abroad, would bring him larger returns, but for the duty. Would not my money also? We both want articles of foreign growth, which we import, and both must pay Government for the privilege of importation. In what way we pay the foreigners who raised or manufactured them is not material to the question, unless it can be shown that his productions, and not mine, are depreciated in value abroad, by reason of the duty payable here. Now, sir, the value abroad of the productions of the South is not, as it seems clear to me, affected by the revenue laws of this country. Value depends upon demand and supply; upon the state of the market at home and abroad; upon foreign competition. Is the cotton in the warehouse at Charleston worth any less because it is destined for Europe, than it would be if destined for the factories of New England? Is it worth any less in Liverpool or Havre, because we impose duties upon English and French fabrics, than similar cotton from Egypt or South America, where no duties, or much less duties, may be required?

I do not design, sir, to go into the argument of this complicated question, which is large enough, and broad enough, of itself, for more time than I intend to occupy. The honorable gentleman did not himself argue it, although he reiterated it many times, and in various forms of expression. All I wish to be understood to say is, that just so often, and with just so much of sincerity and confidence as he repeated it, and in just so many forms and modes, I deny it. It is a doctrine which has not been, and, in my judgment, which cannot be, maintained. As to the argument that, even if the Northern sections, as consumers, do pay their just proportion of the revenue derived from customs, it is compensated and made up to them in the profits derived from the protection given to their manufactures, and that the unjust and unequal operation is thus continued, I have to say that this opens the whole question of the effect and operation of protective laws, which is another and a distinct question, and depends upon other considerations. I do not understand that the gentleman, or any body else, proposes to modify the law regulating the tariff of duties. Should that become a matter of discussion, I think it may be demonstrated, as it has been before, that the operation is not such as is supposed, nor to the extent that has been attributed to it; and that the South has no just grounds of complaint that especial favor has been shown to the North. But I forbear also to tread upon that ground. The occasion does not require it. The honorable gentleman has spoken of the public lands as a source of revenue; and he declares that this is "a revenue derived exclusively from the South and West;" that it is a perpetual drain upon their resources, exhausting and impoverishing in its effects; that they cannot endure this "eternal depletion," and do not deserve to be free if they do. Sir, I confess myself not a little surprised at this statement, and no less so at the argument which is founded upon it, and the remedy proposed for evils imagined to exist. Is it true, sir, that the South and West are thus drained and exhausted? Do they furnish all the money which goes into the Treasury from the sales of the public lands? Where do they get it? The domain, I am aware, is situated in the West and South; but do the purchasers therefore belong to these regions? Are not the land offices open to all the citizens of the United States? The truth undoubtedly is, that active emigration is, and for a long time has been, going on from the old and settled States to the new. They furnish not only the money to buy the land, but the men to cultivate it, and are themselves drained, so far as this goes, in both ways. So far from its being the fact that the West is drained of its money, it is constantly receiving large, very large, accessions of capital and wealth from the older regions. Property is continually going in search of new investments; is transferred every day from the cities, from the Middle and Northern States, to the West, to be there used and employed. Of the extensive purchases, too, made by speculators, a share—and I believe a considerable share—of the means is furnished by other sections of the country. Undoubtedly, emigration takes place from the older planting States of the South to newer and more fertile lands in that section, and probably carries away both men and money; but what then? Is Government thereby draining and exhausting the State? Individuals, seeking to improve their condition do and will go, and ought to go, where their interest dictates; where they can better promote their happiness. Large fortunes have been accumulated in the productive lands of Alabama, Mississippi, Louisiana, and Florida; and probably by emigrants from the Carolinas and Georgia. They have purchased at a very low rate, and far below its real value, some of the richest land the sun shines upon. Has Government, by thus parting with its domain, impoverished any body? has it been unjust or oppressive? has it inflicted any evil for which it ought to make restitution? And what is the remedy contemplated for the supposed injury? Nothing less, indeed, than that Government shall restore the money to the regions from which it has been drawn, by disbursements and expenditures, to counteract the exhaustion said to be experienced by this process of acquiring valuable domain for an inadequate price. The proposition seems to be to give to the States, in some shape, where the territory lies, all which they have paid in procuring a property worth much more than they pay for it. Indeed, sir, that is a mode of distribution I shall hardly be willing to agree to. Emigration is going on, and will go on; capital and property are constantly passing and repassing; and we have not the means, and ought not to have the desire, to restrain its freedom.

The people ought to be left free to seek their own comforts and welfare. If they purchase and settle our lands, they receive a liberal sum for the money they pay; their condition is improved, and their wealth increased. It is a strange doctrine, that while *individuals* are enriched, towns are growing up, rivers and channels of communication are being opened, and population outrunning all calculation, the country itself is drained and impoverished. No, sir, the tide of wealth is setting the other way. The aspiring, enterprising, and ambitious, are bending their steps westward, carrying with them property, and skill, and industry, and the means of accumulating wealth. But if it were true, as the gentleman contends, that the chief, almost the *total amount* of the receipts into the Treasury is derived from the South, or the South and West together, what then? Whose is it? Is it not a *common* Treasury? Is it not the money of the *whole* country? Must it not be disbursed for the *common* defence, the general welfare, the *public* interests? The mode of raising it may be wrong; and, if so, correct it; but, having been raised, is it not the money of the *whole nation?* Surely it is. How is it to be expended? how used? The honorable gentleman has laid down a

principle, to which he seems to attach great value, and which would obviate, in a considerable degree, the oppression now experienced. It is, that the disbursements of the public money should be *equal* in the various sections of the Union. The Middle and Northern States he regards as a "*favored region*," wherein by far the largest disbursements are made; while the South has had, comparatively, few returns from the vast amount it has contributed. How is this idea of equality of disbursements to be carried out? By what rule? According to geographical extent of country, which at one time seemed to be uppermost in the mind of my eloquent friend, or according to population, to federal numbers, or to the amount paid by each into the Treasury? Sir, there is but a single rule to be adopted upon this subject. It is to make the expenditures precisely there, and no where else, where the public exigencies, the public interests, the public security, require them to be made. If a fortification is wanted, it must be built where it is wanted, where the national defence requires it to be; and not where the rule of equality of distribution would locate it. So of a navy yard, a harbor, or any other work of national importance. As to the precise point where they should be, even upon these principles, undoubtedly opinions would vary; but, like all other subjects of legislation, it must be decided by those to whom the decision is intrusted. The duty imposed upon us by the constitution is to provide for the defence of the *whole country;* and it can only be discharged by securing those points where defence is required. Are we quite sure this can be done, if we are trammelled by the rule of equal distribution? The gentleman seems to me to reverse the relative order of means and objects. He regards the *disbursement of the money* as the object to be gained, and the construction of works of defence as only the means of its accomplishment; whereas the true and sole object is to provide for the defence and welfare of the country, the expenditure of the money being merely incidental and auxiliary. To what extent is this rule of equality of distribution to be carried? Will you refuse to erect a fort or to establish a navy yard in one section, however loudly demanded by the public interests, unless you also make a corresponding disbursement in another, where no public exigency requires it? No one will contend for this. Equality or inequality of disbursements has, in my mind, exceedingly little weight; and, indeed, I doubt whether it ought to be considered at all. Show me in what spot the *public interests*, the *national welfare*, require an expenditure, and I stop not to add up how much has already been expended in that section. If enough has not been expended to accomplish the permanent objects of national security and welfare, more must be granted. On the other hand, although you can demonstrate that another section has received little or nothing, yet, unless you also demonstrate that a work of public importance is demanded by a regard to public interest, I move not an inch to accomplish it.

I desire, sir, as much as any body, a system of equal defences, of general and common protection; but that by no means involves equality of expenditure. Some portions of the country, larger, and it may be more valuable also, may possibly be protected with much smaller disbursements than others of far less consequence. Shall not the less important be secured, because they would thereby receive a disproportionate expenditure? It is by all means desirable to provide a general and comprehensive system of defence, as well on the seaboard as on the frontier; but the only consideration fit to be weighed is that of public exigency. Equality of disbursements will form no part of the motive with me. I look upon the country as one, as a whole; and I wish to preserve and protect it as a whole, leaving no part exposed, and making no unnecessary defences merely to preserve a relative proportion in expenditnres of public money. With these principles in view, I will proceed to examine some other sentiments of the honorable member, to ascertain how far his grounds of complaint are tenable. He has prepared, with great industry, (and I doubt not its correctness,) a schedule of the expenditures now proposed to be made in different sections of the country; and he objects to them, and will retain his hold upon the Treasury with a miser's grasp because the contemplated disbursements do not conform to the standard of equality of disbursements. Much the larger proportion, he says, is to be expended North. It may be so; I have not taken the trouble to go over the various estimates and bills, to ascertain whether it be so or not, for the plain reason that, in my view, it is wholly immaterial. Will the honorable gentleman point me to any one object proposed to be accomplished at the North, which is unnecessary—which is not demanded by a just regard to the public interest? If so, I go with him against it. Will he show me one object not provided for at the South, justly deserving attention? I will bear him company in support of it. But the honorable member does not attempt this. I have heard no objections to the works proposed in "the favored region," other than the inequality of disbursements. If, then, they be unobjectionable in themselves, why not make them? As to the objects which he enumerates as fit to be accomplished at the South, I must remark that the leading inducement seems still to be equality of expenditure. Let me examine this principle a little farther. A navy yard at Pensacola is an object which the gentleman urged with more zeal than any other; he said it would require about three millions of dollars to place it upon the same footing with that of Massachusetts. Ought it, therefore, to be done? Ought the three millions to be expended? Such seemed to be the conclusion. Well, sir, we have had, and may have again, vessels of war on the lakes, and probably navy yards also, to some extent. Will the honorable member vote to expend three millions for a dry dock and a navy yard on the shores of Lake Erie? It will equalise disbursements. Will he vote for it? Surely not. I ask him, why not? His answer I can very readily anticipate; because we shall never have occasion for such an establishment there; no public exigency requires it. The answer would be perfectly satisfactory. But, sir, if we must expend money at Pensacola because we have done so at Charlestown, why not on Lake Erie because we have done so at Pensacola?

[Mr. Thompson said he regretted to see the gentleman spending his powers upon arguments he had not used. He argued upon the utility of the establishment at Pensacola. He contended for an equality of disbursements only where it was practicable.]

I am aware, sir, the gentleman urged the utility of the establishment at Pensacola, and, if that had been his only argument, I should not have noticed it. I yield to it. My own impressions are strongly in favor of Pensacola navy yard, to some extent, but I am not entirely satisfied as to what extent. The subject is one of deep importance, and ought to be well considered. But the honorable gentleman certainly laid great stress on the other consideration; and, I must say, I thought it the leading and preponderating idea in his whole speech. He says now, he contends for equality of distribution, "*as far as practicable!*" I think, sir, that surrenders the whole question. The limitation, if I comprehend it, destroys the rule. How is it practicable to regard it in any case? If all the honorable member means is, that we ought to erect a work here, which the public exigency demands, because we have erected one there, which is equally demanded, I agree with him, but not for the reason assigned. I would erect it because the public exigency

demands it, and not because we had disbursed money for a similar object elsewhere. If he simply means that he would provide a general, liberal, equal system of defence, according to the public wants, and upon the principles I have stated, and, in doing so, would equalise disbursements as far as practicable, I am very much inclined to believe his rule would have no effect whatever. The system would regulate itself, and the disbursements would, of necessity, I apprehend, be unequal.

The honorable member spoke of the various works already existing at the North, for which no corresponding establishments had been placed at the South. Did he show, or attempt to show, that the public exigency requires them there? But, sir, I do not think the distribution quite so unequal as he seemed to suppose. There are two armories—one in Massachusetts, and the other in Virginia—one North, and the other South. Are they improperly located? Do they subserve the interests of the country? Nothing is said upon these topics. They are not objected to at all; but the gentleman says, three more ought to be established: one in the West, one on the line between North and South Carolina, and one in Georgia. I ask, why three more should be established? Are not the arms wanted for public service supplied rapidly enough? Are the present establishments insufficient to meet the wants of the country? If so, may it not be better to enlarge them than to erect new ones? These questions have not been considered at all, and no answer has been given to them. Again: is it not worth an inquiry whether the Southern points, which have been designated, are favorable for such a manufacture? Do private establishments exist there already? I hear nothing on these topics. Favorable positions for any particular manufacture are generally first sought out by private enterprise. Government can hardly be expected to carry on a manufacture, either of ships or arms, or any thing else, economically and conveniently, where private efforts have either failed, or found no inducement to make the experiment. Is it quite clear, then, that the interests of the country—I lay out of view sectional and local interests—would be promoted, in any degree, by an attempt to establish manufactories, either of ships or munitions of war, where the sharp-sighted sagacity of individual interest has never yet discovered the means of prosecuting them successfully?

The honorable member further complains of favoritism shown to the Northern section, in the distribution of the existing arsenals throughout the country. He has, however, fallen into error in supposing there are twelve upon the North Atlantic, and but one upon the South. Arsenals have been established at various places, which I will name: one in each of the States of Maine, Vermont, and Massachusetts; two in New York, and two in Pennsylvania; and these are all that can be justly chargeable to the North. Indeed, one of those in Pennsylvania, at Pittsburg, is a Western location, and for the benefit of the West. Only six, therefore, are located on the north Atlantic. There is also an arsenal in each of the States of Maryland, Virginia, Georgia, Alabama, and Louisiana, in the District of Columbia, and in Florida; and a depot of arms at Charleston, South Carolina. The remaining arsenals are in Kentucky, Missouri, and Michigan. In running the eye over the map of the country, and considering the purposes for which arsenals are established, as mere places of deposite of arms, can it be said that the public interests have been injuriously neglected, or that sectional preferences have been shown? Arms, when wanted, will of course be wanted at or near the frontiers, where an invasion will be most likely to occur. An interior State, scarcely approachable by an enemy from any quarter, can, in the nature of the case, have very little occasion for a large military depot. But, without pursuing the subject further, can it be shown that any unnecessary establisments exist, or that important ones have been omitted? Until this be done, the charges of favoritism towards the North seem to me to have very little foundation to rest upon. The gentleman has referred to various other objects on which the public money has been expended; and has exhibited schedules, showing how large a proportion goes to the same section. Among others, he sets down a half million or more of dollars for provisions; a considerable sum for medicines, for ordnance stores, and $295,000 for "miscellaneous items." Why are these, and various similar expenditures, called Northern expenditures? Provisions, for instance, how are they procured? By contract. Bids are received from all persons disposed to offer. The South is not excluded from competition; and, if it will supply the demand upon equally favorable terms, it will receive its just proportion. If it be found that articles of this description are generally procured at the North, undoubtedly it is because they can be much more advantageously supplied from that quarter. The South, to some extent, is a purchaser for its own consumption, instead of having the means of supplying others. It does, however, furnish a portion of the provisions used in the navy; and the West supplies much more. Every thing wanted in the navy, or in the public service, will, of course, and must be, procured where it is to be had. North Carolina furnishes, of its own productions, no small amount; other Southern States and Territories supply most of the timber. An effort was made some time ago, and by none more strenuously than by Northern men, to introduce cotton canvass into use in our ships of war, and, to some extent, I believe, successfully. This is a Southern production, and the North certainly never resisted it because of its local origin. It is obviously impossible to adopt any rule of equalising expenditures of this description. There is but one safe and proper mode of proceeding; and that is, to procure the supplies of every description just where they can most advantageously be had. Sir, I could follow the gentleman through many other items which he sets down as Northern disbursements; and could show the fallacy of regarding them in that light. But, unless the objects to be accomplished are shown to be wrong, or that they can be better promoted elsewhere, unless the thing to be done ought not to be done, shall we omit it because it would involve expenditures at the North? If the country requires it at our hands, shall we fail to do it? Shall we neglect public interests because we find it impracticable to gratify local desires?

Among the objects to be accomplished at the South, before the honorable gentleman will consent to any further disbursements from the Treasury, he has named a navy yard at Charleston, South Carolina; and it may be proper to say a word or two, in this connexion, upon that subject. Is a navy yard required there? I do not say that it is not; but what are the proofs of it? What necessity appears to demand it? A report favorable to the object was made by the Naval Committee two years ago; and a petition has lately been presented from that city, soliciting its accomplishment. In both I find valuable information, but scarcely any thing of that very consideration which alone has weight in my mind—*the public exigency*. Does the country need another navy yard; and one at that port? That is the question. It has been shown in the papers I refer to, that there is a good harbor; a channel, if not quite deep enough now, capable of being made so; laborers and manufacturers of all sorts, and seamen always to be had. So far, so good. With these opportunities and facilities for spending money, comes in the argument of equalising disbursements.

It strikes me as not a little remarkable that we are called on by *petition* to construct a navy yard. Were it

a work of defence, like a fortification, it would be obviously right for a people or community to represent their defenceless condition, and solicit protection. But a petition to those intrusted with the administration of the Government, and who are supposed to know what is required by a just regard to the interests of the country, from a single city, for such an object, is somewhat of a novelty. It is founded, and proceeds altogether, on the idea of the *local* advantage to accrue from it; and, indeed, that object is pretty plainly avowed in the present instance. An argument very similar to this attracted my notice, some days ago, in favor of the continuance of the yard at Portsmouth. It appeared in the Globe, introductory to an article copied from a New Hampshire paper, at the *request* of some one who felt an interest in the subject, and was doubtless intended to have its effect with Congress in deciding that question. The argument was this: The navy yard at Portsmouth ought not to be abandoned, because—why? Because that town had given a democratic majority ever since 1828, and had stood firm during the period of the alarm which so extensively prevailed two years since, growing out of the removal of the deposites. That is the argument; and one hardly knows what emotion to feel—indignation at the profligacy of the sentiment, or pity for the miserable fatuity of intellect which conceived it. Sir, if not only the offices, the stations of influence and emolument, are to be bartered away for party support, and as rewards and spoils to servile followers, but the great measures of policy, the leading interests of the country, are to be swayed and influenced by such considerations, I am almost ready to say, with the gentleman, "this is no Government for us." I admit, sir, that the argument in favor of Charleston rises one grade higher, but still is founded on sectional, local, personal interests. It is for the accommodation of Charleston, and the people of Charleston. I beg not to be understood as expressing opposition to the establishment of a navy yard in South Carolina, for I feel none. I am only combating some of the reasons which have been urged in its behalf, and which, I think, should have no influence whatever on the question. As to the necessity of another dry dock at the South, or elsewhere, I am not sufficiently informed; but if it is wanted only to equalise disbursements, even that object would hardly be accomplished. Much would still be furnished by the North; the very materials of which it would be constructed, if not much of the labor and scientific skill employed upon it, would be drawn from the same region, as was the case in relation to that at Gosport; and this single fact shows how impossible it is to make equal disbursements. Whenever attempted, it must fail.

I pass now, Mr. Chairman, to another object whereon large amounts have already been expended, and the estimates for which are said to be monstrously unequal. I mean fortifications. Where ought they to be established? What consideration ought to prevail in determining their location? Will any body pretend that equality of disbursements ought to have any weight in settling this question? I imagine not. The prominent considerations to be regarded are: 1st. The exposure; the liability to invasion; and the consequences, more or less general, of a successful invasion. 2d. The practicability of defence, within any just adaption of means to objects fit to be accomplished. Other considerations might be stated. Will it be pretended that, upon these principles, any of the fortifications already erected, or which are proposed to be erected, are useless and unnecessary? If it be true that the North has received a larger proportion of disbursements, (and I shall presently show that it is not,) has it been from any spirit of favoritism to that region, or from the absolute necessity of the case? What is the general character of the whole Northern coast? Is it not peculiarly liable to invasion—easy of access? Its deep waters, bold navigation, numerous bays, harbors, inlets, estuaries, afford ample opportunity for fleets to ride in security, and penetrate the country at innumerable points. It is, therefore, a coast particularly exposed to invasion by a maritime Power. Why, sir, in the State of Maine alone, there are more harbors, more accessible points, exposed to the incursions of a naval force, than in the whole thousand miles from here to Florida Point. What would be the consequences of successful invasions upon a coast studded with rich cities, prosperous villages, manufacturing establishments, and a numerous and dense population; whose waters are covered with innumerable vessels bearing the fruits of labor and industry? Is it not to be expected, is it not an imperious duty of Government to fortify and protect such a coast? Has it been done extravagantly or wastefully? Now, sir, as to the Southern Atlantic coast, its geograpical character furnishes, in a great degree, protection against invasion. With shallow waters, difficult and dangerous navigation, few accessible harbors or rivers, can it be necessary to erect fortifications upon the same scale as a different coast requires? Has it not been sufficiently defended? These are the true points to be considered. Regard is to be had also to the consequences of the occupation of any particular post by an enemy.

If I were disposed to complain—indeed, I *am* disposed, and mean to do so, if something for the defence of Maine, the most exposed and the least fortified of any State in the Union, is not done—I might institute a comparison, showing how much has been done elsewhere, and how little there. The reason for its neglect so long has probably been an apprehension that an invasion, however harassing to Maine itself, would not be seriously annoying to the country at large. Many ports and places, of greater consequence in themselves than others which have been much more fortified elsewhere, exist in Maine; and yet I can well conceive their capture would be attended with less serious consequences to the country generally. Newport, for instance, from its central position in relation to other important places, is a most important station; and its occupation by an enemy in time of war would be the means of great annoyance and distress. Key West, of little consequence alone, yet from its commanding position, is of indispensable importance.

Considerations of this sort are all to be weighed in determining this general system of defence; and, in this view, can it be pretended that an undue proportion of works of this description has been located on the Northern coast? Let us consider, sir, what has in fact been done, and I apprehend gentlemen will find the results not precisely what they anticipate. Let us see whether it be true that the South has *received nothing*; whether it be indeed the vast ocean from which this great central sun draws up all the vapors that descend, in fertilizing showers, exclusively upon the barren fields of the North? Very little, sir, as we all know, was done prior to the last war, in erecting fortifications upon the seaboard. The system now in process of being executed was commenced and has grown up since that period.

In order to show the disparity in the amounts already expended, and proposed to be expended, in the two sections of the country, the honorable gentleman has made such a division of the coast as to throw Virginia into the *North* Atlantic region, instead of the Southern, where it appropriately belongs; *appropriately*, so far as the unequal and exhausting operation of Government is concerned. Virginia has always been one of the complaining States. It resisted the tariff. It is one of the *producing* States, and in all respects situated like South Carolina, so far as the principles in issue are concerned, except that it has received very large disbursements.

In my view of the subject, I shall regard it as a *Southern* State; and, in truth, Maryland ought also to be so considered.

At the 1st session of the 21st Congress, a statement of all the expenditures upon fortifications since 1815 was submitted to Congress, and is among our documents. Up to 1820, the expenditures were very near three million of dollars, the larger portion of which, by far, was made at the South. From 1820 to 1830, beyond which the tables do not extend, the expenditure, South, for fortifications, was $4,175,958; and, in the same period, North, but 1,112,568 dollars. But, sir, I have a more full and satisfactory statement than this, coming down to the present period, obtained from authentic sources, and entitled to credit. It is "a statement showing the amount expended on the fortifications of the United States from the year 1812 to the year 1835, inclusive, including the unexpended balances of appropriations for works not finished." It shows all that has been done—and what is the result? Upon works North, *including Maryland*, the expenditure has been $3,447,772 44; upon the South Atlantic, it has been $4,547,951 55; and on the Gulf coast, $3,495,639 91. The North Atlantic, therefore, has actually received the *least* of either section. Have no fertilizing drops fallen upon the South? Other statements have been prepared and laid before us, showing the number of works completed, and of those in process of being completed; and, by reference to them, it will be seen that, of these two classes, by far the larger portion is at the South. When the works now being constructed are finished, the whole expenditure South, embracing the Gulf, will be $9,887,165; and at the North, but $4,027,364.

The fortifications of the Northern section have been postponed until those at the South should be completed. The gentleman says he will do no more until we have a general system projected upon principles of equality. The present system was adopted many years ago, (in 1818, I believe,) upon a full survey by a board of competent engineers and military-men.

The fortifications deemed necessary were divided into three classes: those to be completed immediately; those at a later period; and the third class at a remoter period still. The first have been finished, and are chiefly at the South; those in my own State fell into the third class; and now, when this general system has been carried into execution, so far as the South was concerned, and we are approaching the period when our defences are to be commenced, the gentleman calls out for a new plan—a new survey—a new distribution. We have postponed our claims for defences in submission to yours; and are we to be thrown out of them altogether? This explains, sir, why the estimates are now so much larger for the Northern section than for the Southern. Until their works were completed, we heard of no new plan.

If more defences are required at the South; where, at what point? All admit the importance of defending the Gulf of Mexico and the mouth of the Mississippi. If it has not already been done, do it, by all means, and you shall have my humble aid at any moment. So of the South, or of the Western frontiers.

It is well known, sir, that to a distinguished statesman of South Carolina the nation is chiefly indebted for this very system of defence now proposed to be carried on and completed. New England, however it may have differed with him since on other topics, certainly gave him its support; not, I trust, from sectional motives, but upon liberal principles of public policy. He maintained a high, scarcely a second rank in the estimation of its people; and they have never ceased to approve that policy which he created and fostered by the energy of his lofty powers and patriotic efforts. New England certainly looked to him with high hopes for the future, and has regretted, deeply and profoundly, that these hopes have been blighted. I will not say how. From what quarter did the opposition to his plan of defence and to his general scope of policy come? Who was the chief opponent of his measures? Who were the leaders, and who were the followers, of the great radical party? Whose efforts were unceasing to reduce and retrench the disbursements, and especially those for fortifications? The gentleman must recollect, I think, that it was chiefly Southern opposition; and that the distinguished citizen of South Carolina, who has done much for his country—very much—leaned upon New England for support under the heavy load of responsibility attempted to be thrown upon him. If he has lived to see the measures of his own creation adopted by those who formerly resisted them, if the wreath has been torn from his brow to grace another's, has New England been accessory to it? No, sir; if Southern interests have been neglected, if liberal appropriations have not been made in past times, it has not been owing to Northern hostility.

Mr. Chairman, there are other objects of disbursement in which, I am aware, the South has very little participated; I mean internal improvements. If it has not, however, is it to be charged to an unjust and sectional policy prevailing in other quarters? The true reason is, that the South has uniformly opposed the system; has presented no objects to be accomplished by this beneficent exercise of power; has, indeed, utterly refused to ask or receive any aid for these purposes. Its policy, I admit, was dictated by high and stern convictions of constitutional duty; but are other portions of the confederacy responsible for that? Were they to deprive themselves of the benefits which they regarded not only within the power, but the duty also, of the Government to confer, because different opinions prevailed elsewhere? Are all the leading measures, is the vital policy of the country, to be controlled by constitutional scruples, however honestly entertained, of minorities? I am not questioning, nor intending, in the smallest degree, to impeach the wisdom or the soundness of the principle which the South adopted upon this subject, because that is a matter for themselves alone to consider; but when it is insisted that other and larger sections are to surrender their own opinions, and to be deprived of many of the advantages which they fondly had in view in establishing the Government, doctrines are advanced at war with the very genius of our institutions.

I do not know that it would have been a wiser and better course if the South, yielding its convictions—as all must, at some period or other, yield even their firmest opinions—to the long-continued policy pursued under various administrations, and sanctioned repeatedly by expressions of popular will, had regarded this as a settled question, as some of its ablest statesmen did regard it. It is altogether probable, however, that, in such event, a portion, and possibly a large portion, of the disbursements which have been made for internal improvements would have been distributed within their own borders. If they have shut themselves out from these benefits, is it just to charge a sectional policy upon other States?

I might appeal to the journals, and to every one conversant with the proceedings of Congress, whether the most liberal support of all public measures has not come from that quarter now denominated the *favored region*—whether the great objects of improvement and defence, in the West and South, have not been generally carried by the aid of Northern votes—whether the votes of New England, particularly, have not been governed by an enlarged, liberal, comprehensive view of the *national* interests? I speak of what *has been*—of the *past;* and I am sure, so far as appropriations and disbursements are concerned, no ground exists for charging upon that portion

of the Union a selfish, local, sectional policy. I claim for it the credit of having been liberal and generous. The disbursements for revolutionary pensions have been also instanced as favors to the North. If it be true that much of the amount thus paid goes to that section, is it an evil? Does it demand a remedy? Are the laws providing this inadequate and tardy justice to the decrepit and tottering soldier, who laid the foundation of our country's independence and happiness, with toils and sufferings, to be meted out and administered according to the narrow limits of State lines? If a large proportion of the money is dispensed at the North, is it not because a larger number of the survivors of that conflict remain there? This was to have been expected. That region, we all know, being the most populous and the most wealthy, furnished a larger proportion of the men and the money which achieved our independence. I make no invidious comparisons. Carolina and Virginia, and the South generally, did what could be done within their means. But, if its gallant soldiers have paid the debt of nature, if fewer remain to share their country's honor and gratitude, is it a reason why their companions, who are yet among us, should be forgotten and neglected—that, because they are not equally distributed, they should not be rewarded? Or is it contended that, because of the inequality, we should seek out some other objects of expenditure at the South, for the purpose of equalising disbursements?

Sir, there are already objects of expenditure at the South, in which the North does not participate. The Indian war now raging in Florida, and which has been estimated to cost from four to six millions of dollars, is one of them. I do not complain of the amount; it is necessary to be incurred for the defence and protection of the country, and must be expended precisely where the emergency requires. It will be expended in the South.

What would be thought of withholding these appropriations, unless we also contrive to raise a similar occasion for expenditures elsewhere? And yet, how does the principle differ from that which would stop disbursements for defence at the North, where the public security demands them, unless at the same time others are placed at the South, where they are not wanted? Besides this, we are annually paying large sums to the Indian tribes at the South and West. Our Indian relations are kept up at great cost. The money which is thus expended soon gets abroad, and circulates at the South and in the West, and is as truly a *fructifying shower* there, as is the payment of the officers and men at the Northern navy yards. I might also notice the expenditures for mints, authorized last year, and various other items of Southern expenditure, all showing that our disbursements *are*, and must of necessity *be*, made where the public service requires them to be, and not upon any vain attempt to equalise the amount among different sections.

The honorable gentleman seemed to complain that, at the present moment, Northern counsels prevailed in the Government; and I thought he attributed some portion of the neglect of Southern interests to this circumstance. Not one of the three Departments, he said, which are most connected with our fiscal operations, is filled by a Southern man. Sir, a defence of this administration, coming from me, would be a strange and unwonted sound to most ears. It certainly has as little of my confidence or approbation as of the honorable member himself. There is enough, and more than enough, of error to be combated, to use the mildest term, both in principles and practices, to give full exercise to all the powers of resistance we both can bring to the contest.

If the interests of the South have been neglected, under whose auspices has it been done? What counsels have prevailed? Does the gentleman recollect how large a portion of the time our Government has been in operation it has been administered by Southern hands, how very large a share of directing and shaping the measures which have prevailed has fallen to the same quarter? If the present administration has neglected the South, is the North responsible? It came into power by no agency of mine. Can the gentleman say as much? New England had none; but South Carolina had much, very much; no State contributed more effectual aid. If she has been disappointed and deceived—if the promised fruits have been withheld—are those who resisted, or those who favored, the change of administration, responsible?

The South, however, is not alone in its disappointment. The assistance rendered by the North—how has it been compensated? What has Pennsylvania received? Has not every leading measure to which it had been devoted for years, all its most firmly established and warmest cherished policy, been broken down and sacrificed? It has, indeed, had the empty honor of receiving some four or five executive appointments, chiefly bestowed upon leading gentlemen of old federal principles, for the purpose, probably, of keeping up the usages and ascendency of the democratic party. What leading measure of Pennsylvania interests—I speak not of the measure of sustaining a party—but what single object of national policy and concern to which that State was wedded, has not been trodden in the dust? And even at this moment, is not the contest going on which is to determine whether its State Legislature—its State institutions, its State policy, its State pride, every thing over which State sovereignty spreads its protecting wings—is not to be bound captive to the victorious chariot wheels, to swell the triumphal procession in its unhalting progress? The States which labored most, and accomplished most, in building up the present dynasty, must abide, as best they may, the policy it has pursued; so must the individuals, persecuted and proscribed as they are, to whose vigorous efforts it owes its existence. "*Sic vos non vobis mellificatis apes.*

The first victim, I remind my friend, to the tortures of the brazen bull of Phalaris, was the inventor himself. It was but a just retribution to the folly of inflaming the lust of power and the passion for vengeance in the breast of the cruellest of tyrants. They who have been followed with unsparing severity, as the only reward of faithful services and attachment, should have considered well the perils of the undertaking.

I do not forget, Mr. Chairman, the danger that the money which we appropriate may be used for party objects and purposes. But what then? We cannot change the Government, nor the hands to whom the people have committed power. It is their province to do that; and soon may they do it. But shall we, therefore, abandon the country? Shall we postpone its defence and protection? Shall we neglect our duty, because other agents, we fear, may be unfaithful in theirs? No, sir; I hope with the gentleman that better times and purer principles may once more prevail; that the good of the country, and not the good of a party, will again be the paramount object of every man's ambition; but, until that period shall arrive, the Government must be administered by those to whom the people have confided it, and the requisite means must be put at their disposal, even by those who have little confidence in their fitness.

The honorable gentleman seems to apprehend evil consequences of no small magnitude from liberal disbursements by Government, in its effect of building up and organizing a class of day laborers, who will not suffer disbandment when their labor is no longer wanted, but who will make their power felt in "lawless insurrection, or by the equally terrible process of the ballot-box." Events have recently occurred among the laborers of some of the cities calculated to give weight to

this consideration. Combinations have been formed, and the power of the mob has been arrayed to control the price and duration of labor.

I perceive, sir, with deep regret, the spirit of disaffection abroad in the land, to which the honorable member refers; a spirit of subversion of our institutions, and of the salutary restraints of law; a spirit of agrarian warfare against the wealth and enterprise of the country, against whole classes of the community, against every thing firm and stable in society. Useful and valuable institutions are broken down, because they are "monopolies;" and property, for whose protection Government was in part instituted, is aristocratic. A spirit of general levelling seems to pervade the land. Sentiments like these, instead of being checked, have been promoted and fostered by those in power. The profligate and the idle, foreign paupers, and malecontents, are gaining in numbers and in power in the cities, and, there is too much reason to fear, exercise a controlling voice in political affairs. From such there is always danger. But with these are not to be included the great mass of the industrious, sober, peaceable, laboring classes of the community, who have a stake in the public improvement and prosperity, and in the just administration of the laws. They will neither by violence nor by the ballot-box impede the good order of society. A rise of wages produced by natural causes is no fearful omen—is not at all to be deprecated. The value of labor, like that of every other commodity, depends upon the demand for it, and the supply to meet that demand; and it is always regarded among the strongest proofs of a prosperous and flourishing condition that wages are high. It denotes energy, enterprise, activity, and a general spirit of exertion and improvement. In a stationary or decaying country there will be little occasion for labor, and wages will consequently be low. It is, therefore, in my judgment, no undesirable thing that wages should be high. I cannot assent, however, to the idea that the addition of some ten or twelve millions of dollars to the business of the country, in disbursements of public money upon public objects, will produce any sensible effect upon the price of labor. It bears too small a proportion to the whole mass of money in circulation, of business transacted, and of labor performed. Double the amount proposed to be disbursed by all the bills of appropriation was struck out of existence lately in New York in a single night; and, however severe has been individual loss and suffering, the business of the country has hardly felt the slightest shock from the blow. But, sir, if some evils are to be apprehended from the cause suggested by the gentleman, they are evils which must be encountered. Shall we stop all public works, hoard up all the money in the Treasury, do nothing for public improvement and public protection, for fear of promoting a spirit of agrarian cupidity and disaffection? If such evils exist, they are beyond our control, and inseparable from the condition of human affairs.

I am aware, sir, of the overflowing condition of the Treasury, and of the difficulty of answering the question, what shall be done with it? Without going into the subject at any length, I will only remark, that the time seems favorable for devising a judicious and liberal scheme of national improvement and defence. Our means are abundant for large appropriations, looking forward to several years. Let ten millions annually be appropriated for ten years for the navy and fortifications; distribute the proceeds of the public lands among the States, as proposed in a bill which formerly passed the Senate, and we shall still have enough remaining for all our wants. The Treasury might bear this, I think, until 1842 at least, when duties are to be so largely reduced. The Secretary does not seem to think our means will be so abundant as I have supposed; but estimates from that source, of probable receipts, have recently not proved unerring guides. With the large amount now accumulated, and the constantly increasing receipts into the Treasury, I have little doubt that, after the distribution of the proceeds of the public lands, enough will remain to make liberal appropriations every year (perhaps not so large as I have named) for national defence, and to carry on all the operations of Government. Why should it not be done? Why should it be hoarded up to pamper favored institutions, and to reward party adherents? That some liberal plan can be formed, and that it is required by the interests of the country, seems hardly doubtful.

The honorable gentleman, sir, spoke with eloquent fervor of the deep and abiding attachment of the South to the blessed Union of these States. I am not about to call in question the sincerity of his declaration. When the blessings, vast, numberless, unexampled, which, by the providence of God, that Union has conferred upon the people of our country, are for one moment considered, no mind, not utterly blinded to our best and dearest interests—no heart not utterly dead to the happiness of the human race, and the hopes of civil liberty itself—can be indifferent as to its preservation. What has it not done for human happiness and human advancement? From the lowest condition of anarchy, disorder, and weakness, of poverty and national degradation, it has raised us to an eminence of high and enviable prosperity and strength, of respect in the eyes of all nations, of regular government, and has established and built up all the institutions of social and civil life, for which I know not what history of the world furnishes a parallel. When did the light of heaven ever shine down upon more glorious and indubitable proofs of the efficiency and wisdom of human government than the condition of our country now displays? To all these the South cannot be insensible, cannot but indulge patriotic pride, and feel attachments to the Union not to be sundered for light and temporary causes, for imaginary grievances, for doubtful and contested theories of political economy. It will not calmly see this Union rent in twain, to be followed by what no human sagacity can foresee. But, much as the South is attached to the Union, it is attached to liberty more. Liberty is the first object of all its efforts and aspirations. Is the honorable gentleman quite sanguine that liberty, even at the South, will long survive the dissolution of the Union? Does he hold the bond of fate? Can he cast its horoscope? I am not disposed to enter into invidious comparisons, nor to question the resources, the capacity, the ability, of the South to maintain a separate Government, and to occupy a high position among the nations of the world. It is not unbecoming, however, to suggest to those who are most ardent in their faith, to weigh well all the considerations, to calculate all the vicissitudes pertaining to a subject so awfully momentous. If that disastrous event should occur, and an independent Government be established at the South, are all the rivalries, the passions, the ambition, the interests, which agitate the bosoms of men, and shake societies and communities as with an earthquake, to be smothered and annihilated? Are the hidden fires which heave empires from their deep foundations to be extinguished? Will no sources of discord remain—no clouds float in the clear vault over their heads? He has read the annals of our race and studied the human character to little purpose, who indulges in reveries like these. How is it even now? Is there entire unanimity of principle or purpose at the South? Do contiguous States, separated only by a narrow stream, entirely harmonize? In view of these things, what assurance can the gentleman have that, whatever befall the Union, liberty will still fix her chosen abode at the South? Is there any

thing so peculiar in its institutions, its principles, its policy, as to induce the fond belief that her last footsteps on earth will be found there? In after ages, if some zealous votary, groping among the fallen ruins and scattered fragments of her temples, to rescue some monument of her existence from the remorseless hand of time, shall explore the vestiges she has left, will he exclaim of the South, exclusively, in the language of the Roman poet, "*hic illius arma—hic carrus fuit?*"

Sir, what sort of union is it to which the South is so devoted? A union and a Government which, under the impulses of popular caprice, or fancied wrongs, or temporary excitements, a single State may arrest and destroy; whose arm may be paralyzed, and all its powers subverted, whenever it may suit the purposes of a single State to do so; a union so ill-compacted and bound together, that on every occasion of a difference of opinion as to its constitutional powers, or on measures of policy, it may be forthwith severed. Is disunion the only remedy for errors of administration--for arbitrary exercise of power?

In all Governments, except the most absolute despotisms, and in ours more than in any other, questions of power and of constitutional authority will arise; and upon them the minds of men will differ. What then? Shall we have no government--no constitution? Shall we break away from our moorings, to embark again upon the great ocean of untried experiment? What tranquil haven invites us to its shelter? "Better to bear the ills we have," than to seek a remedy in the dark chaos of disunion. All history admonishes us of its deplorable results. Faction, commotion, discord, civil war: how have they not written awful lessons, as inscriptions upon the tombstones of nations! Does it not become us, then, the South as well as the North, the East no less than the West, to start back from this yawning and fathomless abyss of disunion, whose depths no human eye can reach, and from which the groans of buried empires send back fearful warning? God grant that we may not blindly, madly, rashly, plunge in, to explore for ourselves the dark recesses of its dreary caverns!

When Mr. EVANS had concluded,

Mr. CHAMBERS, of Pennsylvania, obtained the floor, and expressed a desire to address the committee on the subject; but as the House had, he said, listened for some hours, with great interest, to the very able remarks of the gentleman from Maine, and as the hour of meeting would to-morrow be earlier than heretofore, he moved that the committee now rise.

The motion being agreed to, the committee then rose; and,

On motion, the House adjourned.

WEDNESDAY, MARCH 16.

CONTESTED ELECTION.

Mr. DAVIS moved to suspend the rules for this day, after the hour of one o'clock, for the purpose of continuing the consideration of the contested election from North Carolina, (it being the first business in order until that hour.)

On this motion Mr. PATTERSON asked for the yeas and nays; which were ordered: Yeas 122, nays 66.

So the motion to suspend the rules, for the purpose indicated, was decided in the negative, two thirds being necessary.

AWARDS UNDER TREATY WITH FRANCE.

The rule was suspended, on motion of Mr. INGERSOLL, for the purpose of considering a motion heretofore offered by Mr. MASON, of Virginia, as follows:

Resolved, That five thousand extra copies be printed of the report made by the Secretary of State, in answer to a call of this House, on the decrees of the commissioners appointed under the treaty of indemnity with France.

Mr. CAVE JOHNSON was compelled reluctantly to oppose the resolution. The awards of the commissioners under the French treaty were for the benefit of individuals, and they might with equal propriety print an extra number of the reports of the commissioners upon private land claims, or the decisions of the Supreme Court. He had not looked into the documents, and had no idea of the expense to which they might be subjected by printing the proposed additional number of copies. It might, for aught they knew, require as great an expenditure as some of the books authorized to be printed heretofore by Clark & Force, or Gales & Seaton. It might possibly cost thousands of dollars; and, under the circumstances, he hoped the resolution would not prevail.

Mr. JOHN Y. MASON said the gentleman from Tennessee had mistaken the character of the document. The document intended to be printed was a list of the names of the individual claimants, with the amount of moneys awarded to each; and he believed the number of individuals did not exceed three hundred and sixty. But there was another and a much more important object to be attained by the publication of the document; which was, that in the negotiation which preceded the adoption of the convention of July, 1831, the principles upon which the indemnification was to be ascertained were considered as unsettled, both throughout France and in this country. That the greatest differences of opinion had existed on the subject; and that, up to the last moment, it had been considered that the French Government had been overreached. The great object of having the present document published was to show in a compendious form, that after cutting down the American claims by striking off every doubtful one, still they exceeded the amount stipulated for in the convention. It appeared to him that the publication of the document would have a most salutary influence, not only in our own country, but abroad. It showed that the claims were just, and to a greater extent than stipulated for in the convention, and therefore ought to be satisfactory. The great object of the resolution was to disseminate a most valuable document in relation to the treaty with France. So far as Mr. M. was concerned, he did not believe he had a constituent interested in the claims; but he thought the document one of great public importance, and in that view had offered the resolution.

Mr. INGERSOLL observed that it was the policy of the Government to give important information, like the present, to the people. It was vastly important that their constituents should have all the information on such subjects which could be given them. He did not know the size of the work, but he understood it was in the hands of the printer to the House, and in type; therefore, that was the time to have it printed. The present was a matter of deep national interest. It was highly important that the principles on which the convention was based should be made known. He therefore hoped the motion to print would be agreed to.

Mr. GIDEON LEE said, although he trusted that the argument of the gentleman from Virginia would be conclusive with a majority of the House, in favor of printing 5,000 extra copies of this important document, he would give some minor reasons for the measure, besides the great motive of correcting the errors of Europe, and the errors of America, in relation to the amount of the spoliations, which this document was so well calculated to do. It was due to the claimants that they inform them of the amount of the dividend they might expect. For thirty years these sufferers had been deprived of their property. New generations had grown up; children and grandchildren, and very aged

persons, were the recipients of these awards. In many cases, it was their sole dependence; and, small as it might be, they ought to be informed of the amount promptly.

Mr. C. JOHNSON remarked that, if the motion prevailed, they would next be asked to print large numbers of the awards of the commissioners under the Neapolitan, Spanish, and various other treaties, and also the adjudications of the Supreme Court. It would be just as proper to publish them in one case as the other. This would subject them to considerable expense, which he deemed wholly unnecessary. If the document in relation to the awards under the French treaty was of so much importance, it would probably be published in the Globe, which would answer the purpose of gentlemen, and save the expense of printing additional copies by the House. At any rate, he could see no propriety in publishing five thousand extra copies, when they had been informed that only three hundred and sixty persons were personally interested in the decisions.

Mr. RENCHER understood that this document had not been laid on their tables, and consequently they were not able to judge of its importance. He therefore moved to postpone the consideration of the resolution until Monday next.

Mr. MERCER hoped that the motion to postpone would not prevail, and that the resolution would be adopted.

The motion to postpone was then negatived, and the resolution was agreed to.

The hour of one having arrived,

Mr. W. B. SHEPARD again moved to suspend the rule for this day, for the purpose of proceeding with the consideration of the subject of the contested election from North Carolina.

The motion was negatived: Ayes 106, noes 57—two thirds being necessary.

NAVAL SERVICE BILL.

On motion of Mr. CAMBRELENG, the House, pursuant to the special order of the 26th January, then resolved itself into a Committee of the Whole on the state of the Union, Mr. HAMER in the chair, and resumed the consideration of the bill making appropriations for the naval service for the year 1836.

The question pending was the motion of Mr. BELL to reduce the item for the improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, one half, viz: from $67,000 to $33,500.

Mr. CHAMBERS rose and addressed the Chair as follows:

Mr. Chairman: The bill now before the committee is one containing not only appropriations for the ordinary expenses of the navy, but for purposes having relation to a proposed improvement and increase of the navy of the United States.

The items in the bill which have been discussed and are still the subject of discussion are those making appropriations for improvements and necessary repairs in the seven navy yards already established. These improvements are permanent ones, having reference to an increase of our naval force; and the amendment proposed by the honorable member from Tennessee [Mr. BELL] is to reduce the proposed appropriations one half for these objects; and the case of Portsmouth, to which it is proposed to appropriate $67,000, was selected, as I understood the mover, from its being first named in the bill. The committee will consider the subject not in reference to Portsmouth only, but, to a certain extent, in reference to all.

The considerations that will influence my votes in reference to this class of appropriations, as well as others in this bill, are as to the policy and legislation of the Government in relation to our naval armament. If that armament is to be increased, (as I think it ought,) then that increase and its preservation demand the extension and completion of those navy yards which are necessary to the preservation of materials, and to the building, equipping, repairing, and preserving, our national vessels. If we build and maintain more vessels, we must have, as incidental, the necessary navy yards, docks, sheds, &c.

The great question that presents itself, in relation to many provisions in this bill, is, is it the policy and duty of Congress at this time to provide for an increase of our naval power? I am decidedly for that increase, not as a war measure, but a measure of peace. The war cloud that was suspended for some time over this nation and France is dispelled; there remains of it no longer even "the size of a man's hand" to be seen on our horizon. I had not, sir, any apprehensions of that war, for there was no cause for war; and I could not suppose that the French Government or people were disposed to engage in a war with us, and could not allow myself to think that those who were in possession of the powers of this Government would assume the awful responsibility of involving this nation in all the calamities of war, for causes so frivolous and ridiculous as those which occupied the attention and filled the correspondence of our diplomatic agents for the last year. It has all passed off, and we are called on to legislate now in reference to our existing relations of peace. In that relation, what ought to be our naval armament? It is important that it ought to have a rank and character adapted to the power, resources, and widely extended commerce of this nation, and that would correspond, in some degree, with the naval armaments of other commercial nations. The ships of the United States now whiten every sea, and are to be found in every port or harbor where there are men, money, and trade. In the northern and southern oceans, it may well be said that "its home is on the deep;" where our hardy navigators and seamen dwell for months, on the same ocean, taking from its waters a rich harvest of fish and oil to repay them for their much toil and many dangers.

Great as has been our growth in population and power, as a nation, (and, as such, it is unprecedented in the history of nations,) yet it is exceeded by our increase in commercial prosperity.

After the adoption of the federal constitution, in 1790, our population was 3,929,328; at this time probably about 15,000,000, being not quite fourfold. The whole imports of the country, in 1790, were but $23,000,000; whilst for 1835, according to returns and estimates of the Treasury Department, they are $151,030,368, being nearly sevenfold. The exports for the year 1790 were $20,205,156; for 1835, the exports reported are $118,955,235, being nearly sixfold.

A trade of such magnitude, with its innumerable ships belonging to our citizens, and having connexions and involving interests of value beyond all calculation and estimate, is entitled to the protecting care of the Government; and that protection is to be found in a naval armament that will pervade every sea, and occasionally show itself on foreign stations, and in the ports of our friends and commercial rivals. A few national vessels visiting foreign seas and ports will do more for the protection of our commerce and seamen, and elevate our national character and power in the estimation of a trading community every where, "than ministers or chargés," at every foreign Government, great or small, and commercial agents at every port. Foreign Governments have their intercourse with us through our ministers or commercial agents; but the trading community, which our citizens engaged in commerce and navigation will meet in port, or encounter on the high seas, will know and respect us chiefly by knowing that we have national ships afloat capable of protecting our trade, and

that will protect it, and our seafaring citizens, against depredations or capture. It is this extended commerce which we now enjoy that constitutes a great source of national wealth in creating it for individuals. It is that which continually adds to, and gives employment to, American capital, skill, labor, and enterprise; finds a market for, and transports to it, our agricultural products; and brings to us, in return, articles of use and enjoyment from other climates and markets. It is the same navigating interest, along with our coasting trade, that forms the great nursery for American seamen; and it is this extended and increasing commerce that has filled our national Treasury with revenue, more than necessary to discharge a war debt, and provide for the reasonable expenditures of the Government, without being felt by the people.

Without a navy, our commerce and vessels would be continually exposed to piratical cruisers. These robbers and murderers of the ocean regard neither law nor right; they are outlaws on this great highway, who will capture our vessels and destroy life whenever they have the opportunity to do it with impunity. They are only restrained by their fears, and those fears are only excited and operated on by the appearance of armed national vessels in those seas which they infest. We well know that piratical cruisers, under the authority of the Governments of the Barbary Powers of the Mediterranean, were not restrained in times past from depredations on our commerce by treaties or remonstrance; even tribute did not secure from them promised protection, either to our citizens or their property, in that sea. It was not until our national ships were exhibited before their ports, and their guns heard and felt, as evidence of our power and ability to protect our trade and citizens, and of our disposition to do it, that our rights have been respected. It is the maintenance of a naval armament alone, by commercial nations, that even at this day suppresses piracy.

The necessity of a naval power, proportioned to the resources and trade of a nation, is attested by the experience and practice of every foreign Government of any rank in the scale of nations. The naval power of the following Governments is reported for the year 1835, as follows, viz:

	Ships of line.	Frigates.	Sloops & Brigs.	Steam vessels.	Total.
Great Britain,	167	217	324	40	746
France,	39	51	213	10	333
Russia,	32	25	107	4	168
Ottoman Empire,	18	24	90	–	132
Holland,	12	33	56	2	103
Sweden & Norway,	10	13	238	–	261
Austria,	3	8	61	–	72
United States,	7	10	24	–	41

The number of British national ships, of all sizes, in commission in January, 1835, was 182. France has seldom more than 40 of her national ships in commission; (48th vol. Niles's Register, p. 44,) though, as I will hereafter show, she has a large naval power that might very soon be prepared for service.

Whilst the United States are the second commercial nation in the world, yet, as a naval Power, we rank only as the seventh. If all other nations of great or even limited commercial character, though encumbered with a heavy national debt, and crippled in their resources and revenue for the expenditures of their Governments, have, in the course of their experience, found it necessary for their interests and security to maintain such naval armaments, then, sir, we are wanting in duty to our national character, and to our extended and growing commerce, in not adding to the strength and efficiency of our navy.

A navy is the safest, the cheapest, and most efficient means of national defence in war, whenever it shall be our misfortune to be involved in it. It is a calamity which hath happened to us, and may again happen unto us, though we should strive to avoid it. The wrongs to which this nation is and will be exposed, from foreign nations, are maritime wrongs; and they must be prevented and repelled by a maritime force. To the United States this description of force is essential—it is indispensable; inasmuch as our enemies, if they attempt to assail us, or invade our territories, must approach us by the ocean. Without a navy of proportioned numbers and strength, we run the risk of having our ships captured, our commerce annihilated, our harbors blockaded, and our cities pillaged.

With a naval armament, our enemy may be met and discomfited on the ocean, before he reaches our shores; the war may be transferred to his own territory, and his commerce and shipping will be subjected to our capture, or so much exposed as to compel him to withdraw his naval force from our coast for their protection. A naval force can be used for the protection of our cities on our whole maritime frontier; it can be shifted from place to place, according to the exigencies of the war; concentrated or divided, as circumstances may require. A naval armament has an advantage over permanent fortifications in this: that mistakes are and may be made in the selection of suitable sites for fortifications, and in the form of their construction; this occasions not only a positive loss to the nation, in the cost of that construction, but also affords to our enemy an opportunity to annoy and divide our troops; and, if such fortifications are not defended by an adequate force, they are liable to capture, and may become a shelter for the protection of that enemy. In the building and equipment of a ship of war, under the direction of our Navy Commissioners, with the skill and experience of American builders, there is no mistake; she is a model of her kind, and, if not required for service at one place, she can perform her part of defence or attack any where upon the waters that will float her. Another advantage of an efficient naval power in war, over permanent coast or inland fortifications, is, that it will afford such protection to our commerce that, notwithstanding war, we can carry on our imports and exports to an extent that will not only find a market for our agricultural products to a considerable amount, but supply our citizens with those foreign commodities which enter into the consumption of a large portion of our population, and which habit has made almost the necessaries of family subsistence. The naval power of England has afforded such protection to her commerce that, in the late war with France, her powerful maritime enemy, the prices of imported articles are said to have been varied but little in her markets during that war; her citizens enjoyed the use of those groceries and other commodities that were foreign to their soil and climate, at a cost little above what they were accustomed to pay in seasons of peace.

Whilst the citizens are thus enabled to pursue their trade and commerce, even with some limits, under this protection, the Government draws from its customs on that commerce its most convenient revenue, so essential for the ways and means of prosecuting that war, and as a resource very desirable.

What were the experience, losses, and suffering of this nation, in its last war with England, in these particulars, for want of a naval armament? No sooner had the enemy blockaded our harbors, than both foreign and domestic commerce were reduced at once to the most deplorable condition, producing, in its consequences, the failure and ruin of thousands of our most enterprising merchants, and many others whose occupations and business were, in any way, connected with or dependent on commerce. The planter and farmer were deprived of a market for their agricultural products, which were allowed to waste on their hands, or

be sold at a price reduced in consequence of the limited demand, and the great hazard of any exportation. The supply of foreign articles, which the habits of our citizens had made a part of their family necessaries, was either cut off, or their prices so exorbitant as to amount to a denial of their use to all but the affluent.

The coasting trade—that nursery for American seamen, and most important branch of our trade and navigation—was destroyed. The Northern and Southern States could not exchange their agricultural or manufacturing products, except through a land carriage, which enhanced the price of every thing more than twofold.

Our exports, which were in 1811, the year before the war, $61,316,833, were reduced in 1814 to but $6,927,144; and our imports, which, in 1811, were $53,400,000, were reduced also by the war, in 1814, to $12,965,000. The revenue from customs was, from this diminished trade, reduced almost to nothing. Had our commerce been protected by a naval armament porportioned to our resources, trade, and extensive maritime frontier, and that would have raised the blockade of some of our ports, our trade and commerce would have been supported to an extent that would not only have accommodated and enriched our citizens, but afforded to the Government a revenue (arising from the increase of trade) that would have more than supported the expense of the naval armament. The means of national defence of this character provides for its own support, by protecting the commerce of the nation, and advancing the revenue for the support of Government. An efficient navy will be our great security and strong arm of national defence, not only in war, when unavoidable, but it will have a powerful influence to prevent war. Our foreign enemies know that we are to be assailed through our maritime frontier, and by a maritime force. To maintain such a force on our coast will be, to that enemy, hazardous and expensive in the extreme, if this Government should be possessed of a navy of any efficiency to assail it. To annoy this nation, if we maintain an efficient navy, would require an enemy to have on our coast a navy double that of our Government. The cost and equipment of such a navy, and the difficulties in maintaining it on our extended coast, will deter most nations from embarking readily in war with us, or in doing us wrong. But without an efficient navy, our extended maritime frontier and our extended commerce would invite the attacks, depredations, and war, of nations who may be our rivals in trade, or who are jealous of our prosperity, and the success and influence of our republican institutions, and with whom the power will be the right.

The period to which we can refer with the most confidence for lessons from our own experience, in relation to this important national subject, is the last war with England. So small was our navy at that eventful period, that many a cautious statesman questioned the propriety of exposing it, out of our own waters, to be captured by our powerful enemy. It is unnecessary for me to detain the committee with any history of its many gallant victories and efficient service; it is a part of the history of the nation and of the times. It fought itself into national favor, and brought into our ports the captured ships of the enemy, as the trophies of its service and gallantry; and the glory then acquired has never since been tarnished. Our navy entered that war with a force, exclusive of gunboats, that carried less than 450 guns; and for the 141 guns which were captured by the enemy, it captured from the same enemy 455 guns; thus taking from the enemy more than its original amount of guns, and more than three guns for every one it lost. For so limited a navy, here was evidence of efficient service; and by such heroic achievements its officers and crews gained for the American navy imperishable honors.

Had we possessed during the last war a navy adapted to our power, commerce, and exposed frontier, we would have escaped much of the evils and sacrifices of that war. With its protection, we should have enjoyed a considerable portion of our trade—a source of employment and profit to some classes of citizens; of accommodation and comfort to others, and of general benefit to our citizens; whilst the Government would have derived a revenue from its customs that would have more than sustained the whole cost of that naval armament, without inconvenience to our citizens. If we had possessed such a navy, our coasts would not have been ravaged, our harbors blockaded, our towns pillaged, and our citizens harassed by calls to defend our shores and cities, with sacrifices of health and life, and at an immense cost to the nation.

If the navy of this Government had then been of sufficient force, the Chesapeake bay would not have remained during that war so long in the possession of the enemy, or the Capitol of the nation, and the ground on which we now stand, have been defiled by the footsteps and conflagration of the enemy, whose commanding officers, for a season, disregarded the laws of civilized warfare, and, by acts characteristic of Vandal and savage warfare, applied the firebrand to the halls of legislation and justice, and consigned to the flames the library of the nation, as well as the archives of its legislation.

Those who were in the administration of the Government during that war, and after it, testified their regard and high estimation of this branch of the national armament; and so strong were the convictions of the expediency of providing adequately for it, that the attention of Government was repeatedly directed to the improvement and increase of the navy.

A committee of the Senate, on Naval Affairs, November 28, 1814, reported:

"That your committee assume it as a policy now settled, that the United States are to have a permanent naval establishment, which is to be gradually increased, according to circumstances, and as the ability of the Government may permit. Your committee deem it unnecessary to go into a course of reasoning to support the soundness of this policy, and to establish (what is now generally conceded) that a navy is the most appropriate, the most efficient, and the least expensive, defence of this country."

The committee of the House, in their report in relation to a Navy Board, January, 1815, report:

"That the experience of this war has already satisfied the most scrupulous of the ability of this country to create and equip a naval force, competent not only to the defence of our extensive maritime frontier, but also for the great annoyance of a foreign enemy; and that such a force is now equally demanded by every section of our country, as indispensable for its security. The committee have likewise deemed it unnecessary to go into an argument to show the propriety of bestowing upon this branch of our national force that measure of increase and support which its brilliant exploits on the ocean and on the lakes, and its efficiency in annoying the trade of the enemy during this war, under all the abuses to which it has been exposed, has shown should only be limited to our means."

The Secretary of the Navy, February 28, 1815, in his letter to the Committee of Ways and Means, in relation to the reduction of the navy, remarks:

"The destinies of this nation appear to be intimately connected with her maritime power and prosperity; and as the creation of a navy is not a work to be quickly performed, it seems necessary not only to cherish our existing resources, but to augment them gradually and steadily."

"The annual construction of at least one seventy-four

and two frigates is recommended upon principles of economy as well as of policy."

The Secretary of the Navy, in his report of December, 1815, states that:

"The importance of a permanent naval establishment appears to be sanctioned by the voice of the nation."

"The commerce of the United States, increasing with the resources and population of the country, will require a commensurate protection, which a navy alone can afford; and the experience derived from the active and vigorous employment of a limited navy during the late war has demonstrated its efficient utility."

President Madison, under whose administration that war had been declared and conducted, in his annual message of December 5, 1815, thus expresses himself in relation to the navy:

"The signal services which have been rendered by our navy, and the capacities it has developed for successful co-operation in the national defence, will give to that portion of the public force its full value in the eyes of Congress, at an epoch which calls for the constant vigilance of all Governments. To preserve the ships now in a sound state, to complete those already contemplated, to provide amply the imperishable materials for prompt augmentations, and to improve the existing arrangements into more advantageous establishments, for the construction, the repairs, and the security of vessels of war, is dictated by the soundest policy."

At this time, when such opinions were expressed, and the attention of Congress directed to the improvement and increase of our navy, its force was more proportioned to our national power and commerce than at present. From the report of the Secretary of the Navy of January 2, 1816, it appears that the naval force of the United States consisted then of twenty-nine ships, twenty brigs, three ketches, seventeen schooners, three sloops, and two steam frigates; making a total of seventy-four. Amongst these ships were five ships of the line, (two of which were on the lakes,) six frigates of the first class, and five of the second class.

At present, we have in commission one ship of the line, three frigates of the first class, one of the second class, eight sloops of war, five schooners; in ordinary, five ships of the line, five frigates of the first class, seven sloops of war, three schooners; and on the stocks, five ships of the line, seven frigates of the first class, and one of the second class.

The American Congress that was called to legislate for the nation after the war, entertained the same opinion as the other branch of the Government in relation to the navy, and, by an act of 29th April, 1816, one million of dollars per annum, for eight years, was appropriated for the gradual increase of the navy; and the President was authorized to cause to be built nine ships of the line of seventy-four guns, (in addition to three previously authorized,) and also twelve frigates of forty-four guns.

This legislation and appropriation was made at a time when the nation was embarrassed with a national debt of upwards of one hundred and twenty millions of dollars; with an empty Treasury; a depreciated paper currency; resources so limited that revenue for the ordinary purposes of the Government and the maintenance of its credit could not be raised without taxes and loans; yet, sir, at this period, and under such circumstances, was the American navy regarded as an object deserving so much of public attention and favor, that liberal provision was made for its improvement and increase, by giving it a force and power it never before had, and which should correspond with the power, wealth, and extended commerce, of the United States.

Public opinion every where responded to the sentiments of the officers of the Government in relation to the navy, and approbated the legislation that provided for its increase. This continued until a radical spirit was exhibited in this hall in 1820-'21, under professions of reform which were not carried out, but which selected for their attack the American navy. Whilst there was occasion for retrenchment in the civil and miscellaneous expenditures of the Government, these were passed by and permitted to increase; and the legislation of Congress, uncalled for, as I believe, by public opinion, was applied to cut off the one half of the annual appropriation for the increase of the navy, which, by an act of Congress of 3d March, 1821, was reduced to five hundred thousand dollars annually.

The economy that withholds an appropriation, necessary to national character and defence, and to the protection of our immense commerce, from a desire to retain a few millions of dollars for the time in the national Treasury, is a mistaken and false economy, and unworthy of the foresight and expanded views of statesmen. To save a comparatively small sum for the time, it exposes the nation to incalculable losses.

The unprecedented period of peace which has been, and is yet, enjoyed between the great Powers of Europe, and in which we have shared, has enabled us to get along in our intercourse and trade with foreign nations without conflict or depredations on our commerce. But there is no knowing how soon such peaceful relations in Europe may be disturbed. Already there are indications of an approaching storm there; and, when it does come, we ought not to be unprepared in those measures of national protection and security, which a state of war between other great commercial nations requires.

Our differences with the French Government have awakened, within the last year, the attention of this Government and the American people to the condition of our defences. Not only has the attention of the Government and the people been directed recently to the condition of our navy, fortifications, and maritime frontier; but this condition, from the interest created by our difficulties and negotiations with the French Government, and the publicity of their discussion, has probably become known to foreign Governments. Such as it is, we may now speak of, without any concealment or disguise. That condition is a defenceless one, and totally unworthy of a vigilant Government, and of the power and resources of the nation: fortifications, on which large sums have been expended in partial construction, and which were, years since, deemed of primary importance, are not yet completed, and, where they are constructed, they are without the necessary armaments to make them available immediately for the public service and defence; and our limited navy would be totally inadequate to afford protection to our commerce, or be efficient in the defences of the country against a foreign enemy. As a war with France was recently a possible event, and, in the apprehension of many, a probable one, it may be well to examine the maritime force of that nation, with which we might have had to contend, if folly and misrule had involved us in a war with it.

"From official documents, it appears that the French navy, kept in commission and actual service, for 1835, was 3 ships of the line, 12 frigates, 14 sloops of war, (ship rigged,) 26 brigs, 31 smaller vessels, 18 armed transports and storeships, and 6 steam vessels; making a total of 110 vessels, manned with 13,148 men.

"In addition to this force, it was proposed to have equipped and partially manned, in different ports, ready for any sudden emergency, 2 ships of the line, 3 frigates, and 3 smaller vessels, manned with 1,135 men; and a further force, ready for immediate equipment, consisting of 2 ships of the line, 3 frigates, and 11 smaller vessels; making a total, ready for service in three months, of 7 ships of the line, 18 frigates, and 119 smaller vessels.

Besides this force, their lists show that there are now afloat the further number of 22 ships of the line, 17 frigates, 65 smaller vessels, 10 bomb vessels, and 17 steam vessels. Many of these are undoubtedly unserviceable and unfit for repair; but, from the best information on the subject, one half, at least, and all of some classes, may be considered as fit for service. They have upon the stocks, now building, 24 ships of the line, 26 frigates, 20 sloops of war, smaller vessels, and armed transports, and 7 steam vessels. The grand total of all the vessels which the French nation could prepare for service, within twelve months, according to their statement, is 36 ships of the line, 50 frigates, about 150 sloops, smaller vessels, and armed transports, 10 bomb vessels, and 30 steam vessels."—(4th vol. Mil. and Nav. Magazine, p. 293.)

As I have before stated, the American navy consists of 18 vessels of war in commission, 20 in ordinary, and 13 on the stocks; making a total of 51, manned at present by a total of 7,189 persons, including marines. When we consider the great disparity between the naval power of the United States and of France, we may be well satisfied that they were not, at this time, brought into conflict; and that Congress was restrained, by its discretion, from acts of legislation that might have involved the country in an unnecessary and calamitous war. But, from this view of our condition, we should take a lesson of instruction for the future; and, if we regard national character and security, we must change that condition; and let us make known to the world, that though our policy and institutions are those of peace and amity with all nations, yet that, if war is brought on us by the injustice and wrongs of any Power, we will be found both prepared and formidable.

This time is, in every respect, favorable for putting ourselves in a condition to prevent and repel wrongs. We have an abundant Treasury; are free from national debt or direct taxation, having a large annual surplus in the Treasury, beyond the reasonable and necessary expenditures of the Government. Let a portion of it be applied to improve and extend the navy, so as to adapt it to our increased population, resources, and extended commerce; and let Congress also provide for the completion and armament of those important fortifications necessary to the protection of our great harbors, and which may be a rendezvous, shelter, and protection, for the navy. As connected with the extension and protection of our naval power, is the completion of those fortifications that were commenced years since, on which money has been expended, and which were deemed of primary importance. Beyond this class of fortifications, the repair of others, and the completion of defences for the public works constructed, I am not disposed to go, and cannot consent to support or vote for the batch of new fortifications for which appropriations have been reported in a bill by the Committee on Military Affairs, amounting to $2,503,800 to begin with. A better, cheaper, and more efficient defence for the country than such fortifications will be found in the increase of our naval armament, which has many advantages over permanent coast fortifications, requiring an amount of money to construct and arm, as well as men to maintain them, that will not be approved of or tolerated by the people.

The navy in commission should be increased. What is now in commission is inadequate; and I am inclined to think that the extension recommended by the Secretary of the Navy, of two frigates and three sloops of war, is not enough. Let them visit foreign seas and ports more frequently in squadrons, by which our naval power may be displayed, and our officers will have the opportunity of acquiring experience in the command of squadrons.

We ought not to be deterred by the expense, when the purpose is of such extensive national interest and security. The total expenditures for the naval establishment, from 1816 to 1834, were $63,922,574; something over $3,000,000 a year. This includes expenditures for docks, navy yards, hospitals, and other permanent public works connected with the navy, and also the materials for ship-building on hand.

For the military establishment, during the same time, including pensions, there were expended $124,536,570; and the total expenditures of the Government for that period, including the payment of the national debt, were upwards of $467,000,000.

In the report of the Navy Commissioners it is estimated that the amount of pay necessary for the year 1836, for one ship of the line, five frigates of the first class, one frigate of the second class, fourteen sloops of war of the first class, five schooners, and one steam vessel, will be $1,422,866 41. National vessels on foreign stations at present, (the ship of the line Delaware has returned, and is now at Norfolk:) In the Mediterranean there are two frigates, one sloop of war, and one schooner; in the West Indies, one frigate, four sloops, and one schooner; on the coast of Brazil, two sloops; in the Pacific, one frigate, one sloop, and one schooner; in the East Indies, one sloop and one schooner.

If several more of the vessels in ordinary be put in commission, the increase of expense will subtract but a comparatively small sum of some hundred thousand dollars from our overflowing national Treasury. When we consider the magnitude of our trade that floats on the seas, of a value probably exceeding $400,000,000 annually, an annual expenditure of 3, 4, or $5,000,000 a year for its protection, and to sustain the national character with foreign nations, as well as to form our strong arm of defence in war, when it arises, cannot be deemed unwise or extravagant, but as demanded by public policy and the best interests of the nation.

A naval armament can only be formed to advantage in a season of peace; and should we, in an unexpected war, be found without an efficient navy, we must remain without one, with all the deplorable consequences of our trade destroyed, harbors blockaded, and our coast and towns continually harassed by the enemy. A navy is not to be built at once; it is a work of time, and not to be executed under the privations, exigencies, or perils of war. The crews that are to sail and fight our national ships are not to be taken at once from our fresh waters, or the streets of our cities, to trim the sails and direct the guns of a man of war in the hour of battle.

It is said an army for land service can be made effective in a few months. But that is not the case with a navy; experience and practice are essential to make sailors. In the emergency of war we may get men, but we cannot with money purchase American sailors, that can be depended on for immediate service on board of a national ship, which is to sustain the honor and reputation of the American flag. For the conflict of a naval battle, we must have officers that are trained and experienced on board of our national vessels: they should be exercised and accustomed to the discipline, subordination, and command, which are practised there.

The crews of our vessels of war ought to be American citizens, and a large portion native Americans, who are unsurpassed for their seamanship, courage, and gunnery. But if our naval crews are to be collected under the pressure of war, we must take such as can at the moment be obtained from the merchant service; a large portion of whom are foreigners.

The laws of the United States requiring the employment of American citizens as seamen are evaded; and more vigilance is required in both our national and merchant vessels, to prevent the employment of others. When the character of the American navy is to be supported, it ought not to be committed to a crew made up

of men of all nations, many of whom may have hearts as foreign to our cause as the places of their nativity. I hope that the resolution submitted by the honorable member from Maryland, [Mr. McKIM,] requiring merchant vessels of a certain tonnage to receive and employ a certain number of boys, to be trained in the science of navigation, may lead to legislation on the subject.

As a part of the preparation connected with the improvement, increase, and preservation of the navy, additional facilities for building and equipping vessels, and the preservation of materials, are required in navy yards. I am not prepared to say that the public service requires so many navy yards as we now have, there being seven existing; but am inclined to believe that three navy yards of construction would have been sufficient. But as there have been these locations of navy yards, on which considerable expenditures have been made for a series of years, and as there are materials and ships at them for preservation, it will not do to abandon them now. The appropriations to them should be limited to the advantages of the situation and the wants of the public service.

At Portsmouth navy yard there are at present two sloops of war nearly ready for sea; and building, one ship of the line and one frigate; and, I suppose, materials for ship-building; and as we must act on the opinion of others, with respect to these public works, I am willing to take the recommendation of the Department having charge of this branch of the public expenditures.

The estimates for these appropriations came from the Board of Navy Commissioners, who are practical men, of high character and professional experience. There has been some discussion before the committee as to the character of such recommendations. By some it has been likened to "*prima facie*" evidence—evidence that was to be received and credited until disproved; but it matters little by what name it is called. The opinion of such men I will receive, not to control my judgment, but to influence my opinion and action on a subject to which they have given their attention; which it is their province to understand; and which is recommended on their responsibility. Their high reputation is a security to me that they will not deceive Congress; and in their intimate acquaintance with this description of public works, for which they recommend the proposed appropriation, I have so much confidence as to suppose that I will not be misled. Entertaining such an opinion, I am disposed to vote for the appropriation, and against the amendment to strike out.

The appropriation of public money by the legislation of Congress, under the constitution, must be for national objects, not to subserve the particular districts or sections of the country where they are to be expended, but for the public service and general welfare. The selection of situations for navy yards, fortifications, &c., should be such as were most advantageous, from a regard to the interests of the whole people; national considerations alone should influence the selection of the situations, and all expenditures in relation to them. It is unsound and unjust to consider these appropriations and expenditures only as a mode of distributing the public money through the country; the places ought to be selected for their advantages of situation, in reference to trade or their peculiar natural formation. The works constructed at such places by the Government are not, as we well know, for the district where located, but the nation. The navy yards and other public works connected with the defence of our maritime frontier, constructed at Portsmouth or elsewhere, are not to be considered as erected for such places. They are not to be charged as made for the constituents of the member in whose district they are located, but for the whole country; for the people of my district and every other district represented on this floor. They are the *nation's;* and as they are for national defence and security, whilst they promote and protect the commerce of the nation, the construction of such works, and the expenditures therefor, are for the advantage of the people of the South and West, as well as those of the East and North.

In our legislation for such purposes, sectional feelings and jealousies ought to be discarded; and when a work proposed is a legitimate one, and of national advantage, though it be at the extremity of these United States, it is not for us, who represent and legislate for the whole United States, to oppose it, or fold our arms and decline moving or acting in it, until an appropriation of some character shall be made for that part of the country which we severally more immediately represent, as our residence and election district.

The district which I have the honor to represent is an interior one, between the Atlantic and the waters and valleys of the West; there has been no expenditure by this Government of public money in it or near it; and though such an expenditure would be very convenient and advantageous to my constituents, yet I am not, I think, justifiable in withholding public money for the public service requiring it, until I can stipulate for an expenditure for some purpose to be devised in my district. Standing on neutral ground between the East and West, I would advise the Representatives on this floor from the Atlantic coast, where public works for defence must be made, to abstain from all strife amongst themselves to obtain appropriations for their respective districts, and let us have their opinion and judgment in a judicious selection of these public works for national advantage, as well as to prevent all extravagant or unnecessary expenditure. The expenditure of the public money in their district or its vicinity is but a small affair, a temporary advantage that will soon cease to be felt or remembered; whilst the public work is to be a permanent one, and a monument of the enlightened judgment and distinterested legislation of Congress, or of its sectional and contracted policy.

I would say to the Representatives of the East and North, that justice must be done to the rights and wants of the West. In that region are objects of national interest, that are entitled not only to the attention of this House, but to a liberal provision for their execution. If it be not extended to them shortly, the time is not far distant when the control of the legislation of this House will be in the hands of the West. The valley of the Mississippi can and will take care of itself: and I am prepared to do for it now, in advance, all that, in justice and liberality, her great interests require. We must provide suitable fortifications on our great Western frontier, not only as a protection and security to our settlements against Indian aggression, but for the purpose of maintaining our authority and control over those numerous tribes of Indians that are located on that frontier. Provision must also be made for suitable lake harbors—not to subserve any particular district, but where the public interests and service will be promoted.

But if there be one object greater than another, and which may be called of national interest, it is the Ohio river; if not the highway of nations, it is that of many sovereign States. It is estimated in the report received from the engineer department, that the amount of heavy merchandise received and transshipped at Pittsburg, the head of the river, amounts to half a million of tons annually, and is progressively increasing. On this great national highway there now float upwards of two hundred steamboats, many of which measure upwards of four hundred tons, and few below one hundred tons; and, in addition to these, there are also employed several

hundred flat and keel boats.* I am willing and desirous of immediately making an appropriation for that river, not merely to take out snags, or to obtain a report of the length, breadth, and depth of its shoals, or the velocity of the current, but to make it permanently navigable at all seasons, to meet the demands of its immense and increasing trade, though millions of dollars may be required for its completion.

The bill now before the committee, Mr. Chairman, has relation to our national defence and foreign trade; and as that trade reaches us principally through our Atlantic coast and its harbors, and as the only formidable enemies that we have to encounter must approach us by the same coast, and by a naval armament, let us then, without delay, give efficiency to our navy, and provide such means of national defence on our seaboard as will be our security in peace and strong arm in war.

But, sir, it is objected to the appropriations for these purposes, by the honorable member from South Carolina, [Mr. THOMPSON,] that the appropriations and expenditures for the public works on our coast have been unequal and unjust; that an undue proportion has been bestowed on the Northern division of these United States; and that this inequality prevails in the bill before the committee.

When an examination is had of the appropriations and expenditures for public works of national defence along the extended coast of the United States, it will be found that there is no foundation for this complaint, and that the Southern division has had the most liberal portion. The charge of partial legislation for Northern defences, to the neglect of Southern, is not supported by the facts, and has been so fully and ably exposed by the honorable member from Maine, [Mr. EVANS,] that I will not detain the committee in repeating its details. From the public documents recently laid upon our desks, it appears that the expenditures of the Government on forts finished, and those under construction, north of the Chesapeake bay, are $2,248,949; those south, including the Chesapeake bay, are $8,129,764; exhibiting a difference in favor of the Southern division, in this great class of public works of defence, of nearly four to one.

In the distribution which the honorable member from South Carolina was pleased to make, he excluded Virginia from the Southern division of these United States, in which she has heretofore always been classed. Though it is said that Virginia is to be delivered over to the North, I will not consider her as of the North, or separated from the South, until I know that she has been delivered over by all the form of "livery of seizin," or some other mode of transfer of notoriety, acknowledged as equally valid and obligatory.

If, Mr. Chairman, the amount of appropriations and expenditures should be made in the several States according to extent of territory, federal population, trade, or revenue, Pennsylvania might with more reason complain of the inequality of distribution, and say that she was made tributary, not only to the North and East, but also to the South. In the bill containing appropriations for about $5,000,000, including $630,000 for navy yards, there is appropriated, specifically, $11,750 for the navy yard at Philadelphia, which is the only appropriation required to be expended in Pennsylvania.

The only national forts within her borders, or that guard in any degree the approach of an enemy to her great and flourishing capital, are without repair, in a great measure in ruins, and incapable of any defence or protection. I anticipate that, for the construction and completion of these forts, reasonable appropriations will be made by the present Congress, as due to the great interests, trade, and exposed situation of Philadelphia; the importance and necessity of which no one will, I apprehend, question.

Little has been done for Pennsylvania, in expenditures within her borders, by the General Government; of this we do not complain, but of the positive wrongs that have been done her under this administration, for which she did so much to place and sustain in power. The great interests of her citizens, which she cherished as the life-blood of her system, have been drained to exhaustion by the policy and legislation of Congress. Her manufacturing capital and industry, which for a long time she had fostered with a parent's care and vigilance, are now languishing under the blighting influence of the war that has successfully been waged in this House upon her enterprising population, who had embarked their fortunes in manufacturing establishments, which gave employment to American skill, labor, and capital, under a faith and confidence reposed in the legislation of Congress, which promised a permanent protection, that has since been withdrawn from American citizens, for the benefit of the workshops of Europe, and their ill-paid and ill-fed laborers.

That moneyed institution, which was located in her capital city as the great fiscal agent of this Government, and which had furnished to the citizens of Pennsylvania and the United States a currency and facilities of money exchange better than were enjoyed by any other people, was assailed with an unrelenting hand by the Government, not only to the hour of its dissolution, but even now, when a Pennsylvania Legislature, in the exercise of her legitimate powers as a sovereign State, has chosen to exercise her own energies, and give renewed life, activity, and regulation, under competent State authority, to a solid specie capital that was about to be withdrawn from her jurisdiction, and which her own necessities, the wants of her citizens, and the amount and course of her trade, required she should retain, she is threatened with all the vengeance of the powers of this mighty Federal Government, and the persecutions of all dependent State Governments that can be brought to do its biddings.

Pennsylvania, sir, is now awake to her rights and interests; she has taken her position, and will not be driven from her purpose of self-protection by menaces from Washington, or any where else.

It is not enough to satisfy Pennsylvania, for greater sacrifices of her interests and independence to party subserviency, that she should be told "that she has received from the administration her share of the high offices of this Government." I do know that two of my talented friends were invited from Pennsylvania, (but whether selected, as has been said, for the democratic blood which flowed in their veins, I will not say,) and were rewarded with the honors and emoluments of missions to Russia. Two other of our eminent citizens were, by the Executive, respectively invited to take charge of the national Treasury--a high and responsible trust; and how, and under what circumstances, they were scornfully and ignominiously expelled from their high stations, for exercising the liberty and right of private judgment and conscious integrity, is too well known to the nation to be readily forgotten.

It will not either be sufficient to reconcile us to further sacrifices that "it is glory enough" for Pennsylvania "to serve under such rulers," and to be called "the keystone of the great federal arch." We want something more substantial than such empty honors; we want that which will add to our State treasury, and enable us

*The tolls received on the passage of the canal at Louisville is evidence, to a certain extent, not only of the magnitude of the trade on the river, but of its increase: the tolls received in 1835 being $80,165— an increase of thirty per cent. on those of the preceding year, which were $61,848.—*Note by Mr. C.*

to carry out our system of internal improvements and general education.

There is yet another object of interest, of which Pennsylvania has not lost sight, the time for the fruition of which has now arrived, and which she still expects to obtain as her right from the national Legislature; and that is, her fair and equal distribution of the proceeds of the public lands. This she considers as a trust that the Federal Government holds, by a solemn compact, for the common benefit of the United States, according to their respective proportions in the general charge and expenditure, and which, by the Virginia deed of cession, was provided "should be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." Pennsylvania will not consent that this fund, not now wanted for the reasonable expenditures of the Government, shall be either wasted or given away; but she will pursue it with attention, and will watch it with an eye that will not close. Already is her arm outstretched to receive it, and her claims will be pressed by her in a voice that will not falter or be silenced.*

But, Mr. Chairman, Pennsylvania has no war to wage on this bill, and I will not obstruct its progress to stipulate for favor or justice to my State in some other unconnected branch of the public expenditures for the national service. If our interior situation does not expose us as much as other States to the assaults of a public enemy, I am content that the national defences shall be made where they will be most efficient and available, though for that purpose the public moneys should be expended not within our borders.

I know that some of my friends on this floor are honestly opposed to increased appropriations for the navy and public works of defence, as extending further the already overgrown power and patronage of the Executive Department of this Government. That power and patronage I admit to be immense and alarming, and it is one of which the representatives of the people, and the people themselves, cannot exercise too much vigilance, or indulge too much jealousy. That patronage is not attended with any danger to the liberties of this nation, or its free institutions, in filling up our naval armaments, putting in commission the national vessels we have, and giving service to the naval officers, many of whom are loitering about our cities and seaboard, and are desirous of service.

The expenditures for naval improvements and essential fortifications we cannot, with propriety, withhold, from want of confidence in the fidelity and economy of those who now administer the Government. They are the constituted authorities, and we must intrust to them the reasonable and necessary expenditures under the constitution and laws, holding them responsible, as far as is within the power of this House, to a proper application and strict accountability.

Much may be done, and ought to be done, to lessen the power, patronage, and expenditure of this Government, especially so far as it is exercised in rewarding party favorites, or in dividing the public treasure, "as spoils to the victors." There is a wide field for this work of reform and retrenchment in the civil and miscellaneous expenditures of the Government. There was a time in the history of our Government when an army of ten thousand men was a source of much alarm to many of our intelligent and patriotic statesmen, as adverse to our republican institutions, in offering temptations as well as giving strength to the executive arm; and yet we are slumbering over our rights and constitutional Government, with an army of more than fifty thousand office-holders dependent upon executive will and favor. Here is a body of the most dangerous kind, if organized and disciplined for the purposes of party; it is dispersed over the whole country, to its extreme points, and pervades our cities, towns, villages, our highways and byways; and, if brought under the surveillance of the executive power, on whose will it is dependent, as may be apprehended and deplored, it can exert an influence to maintain and perpetuate the power of the party or its leaders, more formidable to constitutional government than an army of soldiers.

The attention of Congress ought to be directed, in sincerity, to the reform and retrenchment of all unnecessary offices, as well as to enforce strict accountability on the public officers. In this there is much work to accomplish, without cutting off any thing from the navy. The expenditures of the navy in 1817 were $3,210,278 27, and in 1834 the expenditures for the same were $4,123,423 82, being an increase of less than thirty per cent. in seventeen years; whereas, the expenditures for the civil list in 1817 were $991,894 11, and in 1834, for the same, were $2,080,601 60, being an increase of more than one hundred per cent.

I am willing to go with the honorable member from Tennessee [Mr. BELL] in resisting all unnecessary appropriations, and reducing such as are not demanded by the public service; and with the honorable member from Kentucky [Mr. HARDIN] I will act in the work of retrenchment and reform to any reasonable extent; and, as I believe there is much to be done, with him I will be content not only to use the pruning-knife, but the saw and the hatchet, to cut off the many excrescences and sprouts that have grown up in this Government, at the expense of the public Treasury.

But, sir, I will not take a single spar from the navy; but, as far as in my power, add to its force and numbers. The American navy belongs to no party but the American party. The foul hand of party proscription and intolerance has not yet defiled and corrupted its high character. God forbid that it ever should! Whenever it does, and the high places and commands in the navy are bestowed and received, not for bravery, skill, and gallantry in naval combat or perilous service, but for zeal and officiousness in party election contests, or our naval officers shall so demean themselves as to propitiate and flatter the leaders of a party by devotion and sycophancy, the high character of our navy will have fled; what will remain will not be worth our care and preservation, and we may prepare to hear the knell of the departed glory of the American navy.

When such becomes our national degradation, there will be little left of the purity of our republican institutions for our regard and support. I hope and trust that such a state of things will be averted, and that a merciful Providence, who has so long preserved us as a nation, under our constitutional Government, against foreign enemies and internal dissensions, will still overrule our destinies, and control the actions of our rulers and people, that our Government and its institutions may not only be maintained by us in their original spirit, but transmitted entire and unimpaired to our successors; and that they

* The receipts of money from the sales of the public lands during the year ending 31st of December last, are reported by the Department as amounting to the sum of $14,359,193 71; which, if distributed amongst the States according to their federal proportion, would give Pennsylvania of this sum more than one million and a half of dollars, with the prospect of a larger annual dividend in the coming year. These moneys are now neither used nor wanted by the General Government, but are allowed to remain in possession of their deposite banks, which, at this time, have of the Government money $30,678,879 91, which may be used for their own special advantage, and not for the people of the States, to whom, of right, it belongs.—*Note by Mr. C.*

may be enabled to carry out in reality those salutary reforms which, "in these days and generation," have been often promised, but, as yet, not realized.

When Mr. CHAMBERS had concluded—

Mr. BELL rose and addressed the Chair as follows:

Mr. Chairman: I desire that I should not be understood, from the remarks heretofore submitted by me upon the bill under consideration, to be hostile to the navy, or even to such fortifications as may be known to be necessary to the defence of our most important commercial and naval depots. On the contrary, I am decidedly in favor of a considerable increase of our present naval establishment. Indeed, I do not remember a sentiment delivered by the gentleman who preceded me in this debate, [Mr. CHAMBERS,] upon this point, to which I do not yield a hearty concurrence. What I wish to accomplish by my motion is, that we shall first settle and adopt some system or plan of improvement in this branch of the national defence, which shall promise a greater degree of economy and efficiency than we can hope for under the present system.

I now propose, Mr. Chairman, to extend the range of this debate much beyond the latitude assumed in the preceding part of it. I propose to remark freely upon the general policy of the present administration, as lately developed. The principles and practices of those in power are always subjects of great interest to the country. Those of the party which now control the affairs of this republic are peculiarly so at this time. While it is my intention, in what I shall say on these subjects, to be perfectly respectful to the motives and feelings of the committee, and especially to those who constitute the majority of the House of Representatives, yet, with these limitations, it is my intention to indulge the privilege of debate to the utmost limit of parliamentary license.

I desired some more suitable occasion for the indulgence of the very wide range of remark upon which I am about to enter than the present bill. I would have greatly preferred the bill reported by the gentleman from Kentucky, [Mr. JOHNSON,] making appropriations for a great number of new fortifications. The bill proposing an extra appropriation for the improvement and increase of the navy would have been selected in preference to the present one; but, sir, I have lately had my doubts whether it is intended that either of these bills shall be acted upon before the close of the session, when debate will be out of the question. I know the responsibilites to which I may subject myself by making this bill the subject of a tedious debate. I am satisfied that I might expect some better effect from the remarks I intend to offer, if I had been more fortunate in the occasion of them. But, sir, the time and the occasion I have selected may not, after all, be of so much consequence. Greater skill in parliamentary tactics might have enabled me to do greater justice to my subject, by taking a different course from the one I am about to adopt; but I am encouraged by a saying of the gallant Nelson, upon some occasion when the importance of skill in naval tactics was spoken of: "A captain (said he) cannot be far wrong, who, in battle, lays his ship alongside the enemy."

Such a discussion as I propose is always salutary, and ought to be indulged at every session of Congress; in truth, it should never be omitted. If any find fault with the delay that is likely to occur, let them take consolation from the motto of the Government journal, which is, that "The world is governed too much;" a proposition, however, by no means consistent with the principles of the party of which this journal is the organ. But if it shall be inquired, why provoke a party discussion upon the navy bill, or upon any of the appropriation bills? why not bring forward some distinct proposition, in the shape of a resolution? I answer, because I perceive a settled purpose in the House to prevent the introduction of any subject which can fairly give rise to the desired discussion during the present session. I want no other proof of this determination of the majority of the House than the resolution offered by the gentleman from Virginia, [Mr. MASON,] and adopted on the 26th of January. The reason alleged for this resolution was, the defenceless condition of the country, the fears entertained of a war with France, and, consequently, the great importance of passing the appropriation bills without delay.

This was all plausible enough, if the circumstances accompanying and preceding the resolution had not taken away the ground assumed. The navy bill, than which none was of more importance, had been taken up at the instance of the chairman of the Committee of Ways and Means, on the 13th of January; and although all the reasons for speedy action upon it existed at that time, which were afterwards alleged, yet it was laid over the very next day, and made to give place from day to day to measures of inferior importance, without explanation or apology. On the 22d of January, the majority of the House agreed to consider the resolution of the gentleman from Massachusetts, [Mr. ADAMS,] and all the orders of the House, and, consequently, all the business of the House, was postponed for the purpose of hearing a discussion on the loss of the three million appropriation. This subject was permitted to occupy four or five days, but the experience of that discussion produced a very decided change in the House in regard to the propriety of party discussions in general. It was very evident that, although the majority were highly gratified by the effort of the honorable gentleman who offered the resolution, [Mr. ADAMS,] yet they did not relish the reply quite so well. Some uneasiness began to be felt before the gentleman from Virginia [Mr. WISE] concluded his remarks; and many of the party began to think that any indulgence in such discussions was wrong, and to wonder how they had fallen into the error of voting to consider the resolution. The resolution of the gentleman from Virginia [Mr. MASON] was in good time to repair the error into which the party had fallen. It is deserving of remark, that on the evening of the same day on which this resolution was offered, the messenger arrived in this city, bringing with him an offer of the mediation of Great Britain in settling the difference between this country and France; and I have sufficient evidence to satisfy me that, before that time, information, through some channel or other, had reached this Government, that England would interpose her good offices to prevent a war.

[Mr. MASON explained, and denied that he had received any information whatever of the intention of the English Government to offer her mediation. He also said that the resolution had been under consideration in the Committee on Foreign Relations several days before he offered it, and denied that he had any other motive in offering the resolution than the one he announced at the time.]

Mr. BELL resumed. I must say that I did suppose the gentleman from Virginia possessed some information in relation to the French question which was not in the knowledge of the House. I now dismiss my suspicions, and acquit him; but his ignorance of what must have been known to the Government only shows that the degree of confidence to which his station in this House entitles him is not given to him by those at the head of affairs. Still, sir, the circumstance that the hour of one o'clock each day was the hour the resolution fixed for taking up the appropriation bills, the certainty that by this course the debate on the resolution of the gentleman from Massachusetts [Mr. ADAMS] would be cut off, and the farther circumstance that other bills besides those for the support of the army and navy, and for

fortifications, were embraced in that resolution, are sufficient to justify the opinion that it was designed by some of those who took a part in getting it brought forward and adopted, to have the effect that I have ascribed to it. Besides, I must say to the gentleman from Virginia, that I cannot so readily forgive him for his neglect, after he had seen that the appropriation bills still slept upon the table, and that the only effect of his resolution was to give the majority of the House an undue control over its business, to come forward and move to rescind it. When all prospect of a war with France had ceased, it was his duty to have taken this course. I cannot forget, either, that, instead of urging the execution of the order he had obtained, giving a preference to the appropriation bills, he upon several occasions gave his vote to take up subjects of minor importance. Sir, the effect of that resolution was to give an undue power to the majority of this House over the subjects of debate. It operated to restrain the freedom of discussion; and I have a right, under the circumstances, to consider that it was so intended by the majority. I pronounce the course of proceeding with that resolution as unprecedented, unparliamentary, and oppressive to the minority.

If the spirit of the resolution of the 26th of January shall be carried out by the party in power, it will result in the re-enactment of the sedition law of 1798. It is founded precisely upon the same policy; and we have only to go a step or two further, and the object of the sedition law will be effected, so far as regards the freedom of debate in this House. The object of the sedition law of 1798 was to suppress discussion, and to prevent attacks upon the party in power. Such was the object of this resolution.

There is more than one circumstance in the state of the times, Mr. Chairman, which is calculated to remind us of the era of 1798; and, that I may not be thought to have referred to that period without very sufficient reason, I beg leave briefly to notice the similarity between the two periods of 1798 and 1836. The alien and sedition laws, the proposition of the party then in power to establish a standing army and to create and maintain a great naval armament, were regarded by the republican party in 1798 as hostile to the genius and spirit of our free institutions, and tending decidedly to the introduction of arbitrary power. The party now in power are in favor of both these measures. The sedition law was based upon the idea of the same infallibility of the President and the party then in a majority in Congress, which is now assumed for the present Executive and the party now in power. But there was a war panic in 1798, just such as we have recently had in our time. There was said to be a French party in this country in 1798; and, most strange to relate, it has been proclaimed upon this floor, in the course of this debate, that there is a French party now in this country! To show how the war panic and the proposition for a standing army and a great navy were spoken of and resisted in 1798; and, to illustrate the striking coincidence of the two periods, I will read an extract from one of the thousand remonstrances laid before Congress in 1798-'9. The one from which this extract is taken was adopted and forwarded by a public meeting of the stern republican yeomen of the great State of Pennsylvania:

"Your memorialists would further beg leave to remonstrate against several of the measures which either have been adopted, or which may be still in contemplation, in consequence of our negotiation with the French republic, as productive of an unnecessary increase of the public debt and the introduction of an oppressive system of taxation. These measures appear to be founded on the alarm which has been excited and industriously circulated throughout the United States, about the danger of a French invasion; but your memorialists see no good reason to believe that this alarm can be well-founded; for, admitting to be true, what has been so often asserted of late, that the French people have been so unfortunate as to choose for themselves an executive branch to their Government, which is proud, vain, and ambitious, and disposed to exercise undue influence or arbitrary control over the legislative councils of our country, and inclined to convert the power and resources of that nation to such purposes as will best suit their ambitious projects, yet it does not appear that they have any intention or disposition to invade this country. Your memorialists cannot see in an expedition to Egypt, or against the British settlements in the East Indies, or in the supposed bad conduct of the French armies in Switzerland or in Italy, any evidence of an intention to invade the United States; more especially when it is considered that they are destitute of a force by sea, and at war with a nation so greatly superior to them on the water. Your memorialists therefore conceive that this alarm, which they think must now be considered as altogether ill-founded, ought not to be deemed a motive sufficient to justify the introduction of a standing army into the United States, and the establishment of an expensive navy, which must greatly increase the public debt, introduce an oppressive and burdensome system of taxation, and remove all hopes from the people of being ever relieved from the evils that grow out of a funding system."

I beg leave also to read a paragraph from the report of the Secretary of the Navy in 1798, upon the subject of increasing this arm of the national defence. Taking care to omit the date, this report might very properly have been copied and sent to Congress as a substitute for the doctrines and recommendations of the last special message:

"The protection of our coast, the security of our extensive country from invasion in some of its weaker parts, the safety of our important commerce, and our future peace, when the maritime nations of Europe war with each other, all seem to demand that our naval force should be augmented; so much augmented, indeed, as to make the most powerful nations desire our friendship, the most unprincipled respect our neutrality. The peaceful character of America will afford to the world sufficient security that we shall not be easily provoked to carry the war into the country of an enemy; and it well becomes the wisdom of America to provide a cheap defence to keep it from our own."

I might further corroborate what I have said of the striking resemblance between the doctrines and incidents of the era of 1798 and the present period, by quoting from the report of the Secretary of War, made in 1798; but it is only a repetition of the same views, applied to the army, embraced in the extract I have just cited. But, sir, there was a Union panic got up in 1798, also. To show upon what grounds this panic was created, and how it was met by the leaders of the republican party at that day, I will read an extract from a contemporary publication of one of the most distinguished of that party, a son of Virginia, and who, during the whole of Mr. Jefferson's administration, was one of the greatest ornaments and most distinguished champions of republicanism in Congress. I allude to William B. Giles.

After dwelling at some length upon the first part of a conversation which had become the subject of a newspaper discussion, Mr. Giles proceeded thus:

"I remarked that I always had been, and still was, a friend of the Union; yet if the measures proposed were to be adopted as permanent systems, I would rather see a separation of the Union, upon proper and pacific arrangements, than be perpetually subject to all the pernicious consequences which, in my opinion, would necessarily flow from them. I considered disunion as a deplorable event; but less deplorable than a perpetuity of

expensive armies, perpetuity of expensive navies, perpetuity of excessive debts, perpetuity of excessive taxes, and all the oppressive consequences resulting therefrom. I explained further by saying that I hoped these propositions would never be matured into political systems; that I trusted the constitutional corrective would soon be applied; that after the people should become apprized of the artifice of exciting and playing off their prejudices in one part of the Union against their prejudices in another; after they shall become fatigued with the various delusions practised upon them by interested partisans, they will listen to the voice of interest, and in a regular and constitutional way relieve themselves from their oppressions, if they should unfortunately be systematized."

These proofs and references establish beyond cavil the truth of what I have said as to the close resemblance between the parties in power in 1798 and at the present moment. The analogy is manifest in the powers assumed by and for the Executive, in the policy in relation to a standing army and a great naval establishment, and in many of the practices of the party then and now in power. Sir, the doctrines and practices of the party in power in 1798, I affirm, are vindicated and justified by the course and principles of the one now in the ascendency. The gentleman from Massachusetts [Mr. ADAMS] is not so inconsistent as some of his former friends have supposed him to be. He is now supporting the principles to which he adhered during his own administration, and which he is also impelled to sustain by the most powerful and interesting considerations arising out of the recollection who it was that held the reins of government in 1798. The gentleman from Massachusetts has not changed his principles, but the dominant party have become converts to his doctrines and policy. I infer that he is now engaged to support them in all their measures; but this is a declaration I feel, upon reflection, I have no right to make.

But, sir, alarming and dangerous as were the pretensions of the federal party in 1798, it was less dangerous to the country and its institutions than the one which is now seeking to perpetuate its power and maxims. The party in power in 1798 had the frankness and manliness to assume and avow their principles. They openly proclaimed them, defended them with courage, and finally fell by them. But, sir, the party now in power shrink from the open avowal of their real principles. They assume the mask of republicans; and, while they practise upon many of the most odious maxims of the party in power in 1798, they do all in the name of democracy and liberty.

If any one shall object to this discussion because it savors of President-making, if any gentleman shall be deluded by the opinion that topics directly connected with the politics of the day should be excluded from this hall, I ask him to reflect for a moment upon the fact, that no subject at this day, of importance, does or can arise in Congress, which is not sustained or opposed, and finally decided, upon principles and motives which enter directly and deeply into the presidential canvass, and ultimately decide that issue. And when, sir, the action of this House, and so great a proportion of the business of the House, are dictated and controlled by party views, and to advance or depress the prospects of one or the other of the candidates for the presidency, shall it be held improper to speak out, to avow openly, and vindicate in debate, the motives and principles which actually govern our votes? Sir, does not every gentleman know that the very first business of the session, I mean the election of the principal officers of the House, and that one, especially, who is known to possess great power and influence in shaping and directing the entire business of the session, was decided upon grounds intimately connected with President-making? I hope I may be permitted to refer to this part of the action of the House without offence, since I can do so without the slightest feeling on my part against any portion of the members who compose it. That election, sir, was openly claimed and boasted of in the columns of the party press, as a test of the strength of the party attached to the interest of the Vice President.

But, Mr. Chairman, it has of late become more important than at any former period in the history of the Government that this subject of President-making should be taken up seriously, and made a part of the regular business of Congress. By force of that system of party organization and discipline which is now rapidly maturing and spreading itself over the country, it must soon come to pass (if, indeed, it is not now the case) that the election of a President will determine every other question of public policy or public interest for at least four years, and perhaps eight. If this be so, if it be true that every thing is to be settled by the decrees of the party, and that the President, as the head of the party, is only the organ through which their decree is to be communicated to Congress, then I appeal to you, sir, whether you [Mr. HAMER] would not, upon reflection, retract a sentiment expressed the other day, and admit the importance of discussing every question connected, nearly or remotely, with the presidential election? I repeat that, if the doctrine is to be established that no member of this House who professes to belong to the party in power can vote against a measure recommended either publicly or privately by the President, without incurring the imputation of deserting his party, (and such, I believe, is the rigor of the new system of party tactics in operation;) if whatever the President recommends cannot be resisted by the party which profess to support him, I assert that this subject of President-making is the first and most important that can and ought to occupy our attention. If the result of an election is to annihilate the independent power of action by Congress, and put every thing in the hands of the President of a party, it is time not only to assert the right to discuss the question here, but to do it promptly, freely, and fully; and it shall not be my fault if it is not done. There is strong reason to believe that the obligations of party are held so sacred that none who belong to the majority dare to do any thing which the President shall forbid, or to fail in the support of whatever he shall recommend. Have we not lately seen the force of this obligation to be so strong in this House, that the absolute power of peace and of war was ready to be yielded up, in effect, into the hands of one man? Coming to this House under the extraordinary party pledges usual in popular elections of late, I hope it will not be regarded as improper or disrespectful to ask if the President had, during the late crisis, said "we must have war," would the party in this House have had the power to gainsay it? War we must then have had, and the moral power was not in this House to resist it, whatever may have been the private opinions of honorable members of the wisdom of such a measure.

No occasion can be more appropriate for the discussion of the principles and practices of the Government than the one presented by the appropriation bills, presented as a whole. It is proposed to increase the annual expenditure for the military defences of the country and internal improvement ten millions in one year. It is a new era in the history of the Government. So extravagant a proposition is unknown in our annals. The results of this new policy are beyond the ken or conception of many; but those who planned it understood them well enough, though it may not be desirable to their interests to avow them all at once. The first inevitable result of this policy, if it shall be sanctioned by Congress,

will be the introduction, in a short period, of an increased and oppressive system of taxation. An increased annual expenditure of ten millions may be met for a few years from the present sources of revenue; but the public lands are now in a state of such rapid exhaustion, that very soon we will find our revenue from this quarter reduced to a million or less. The public works which we are now about to commence must be carried on, and funds will have to be raised to support those which may be completed in the mean time. Then comes a new and increased system of taxation, as a matter of course, with its usual train of evils. But what will be a more serious consequence, is the great increase of the army and navy, which cannot fail to follow the adoption of this new and extravagant policy. When all the navy yards, and all the new fortifications now proposed to be established, shall be completed, a standing army of less than fifteen or twenty thousand men would not be thought of or tolerated under the new impulse which is soon to be given to the military spirit. Indeed, less than that number would not be sufficient to guard our Western frontier, and at the same time secure so many fortifications upon the seacoast against surprise. As to the navy, after such gigantic preparations for the improvement and increase of it as are now proposed, will a navy of less than one hundred ships of war in commission be regarded as at all admissible for a country of such resources, of such character and importance in the scale of nations? Such are the views of grandeur and power which are now beginning to exercise an important influence over the course of many of the leading men in power. Some opinion may be formed of the magnificence of the projects of the party, from the declaration upon this subject of the gentleman from New York, [Mr. CAMBRELENG,] made in the course of his remarks upon the resolution of the gentleman from Massachusetts [Mr. ADAMS.] That gentleman expressed the hope that in a short time we would see the navy of this country placed upon a footing to cope with the most powerful maritime Power of Europe! Who does not see from all this that we are to have an increased tariff in due season, and that the managers of the party are preparing to claim the support of the manufacturing interests?

But if we should be satisfied that it is the true policy of the country to adopt the plan of defending the country by fortifications, no matter at what cost; to increase the army and navy, at the risk even of an increased system of taxation, still the inquiry and discussion which I propose to go into will be of great importance. The system of public defence may be wise and prudent in itself; but the time and manner of carrying it into execution may, and does, demand a separate consideration. The improvement of the navy, and the new fortifications projected, it is estimated, will require an annual expenditure of ten millions for ten years, making a total of one hundred millions. The faithful and judicious application of this vast fund, supposing it to be settled that it shall be expended upon these objects, becomes a subject of the deepest interest to the whole country. The country has a right to inquire, who are the agents and public servants about to be intrusted with the disbursement of this enormous capital? Are they faithful? Are they competent? Have they proved themselves so upon past trial? Sir, a great preliminary question is to be settled before we add ten millions to the usual annual expenditure. It is a question of confidence in public servants, as well as expediency. Who are they that demand from the representatives of the people this signal mark of confidence; to place ten millions in their hands, during the present year, more than at any former period? Are they the same public servants who have had charge of the public defences during our late difficulties with France, and under whose superintendence they have suffered decay and dilapidation? By what title do they ask this extraordinary evidence of confidence?

Sir, they ask for money and increased confidence; we demand scrutiny into past conduct. They ask for reward for past merit and service; it may become our duty to arraign them as delinquents before the tribunal of the public, instead of pouring the treasury into their laps. To vote money is the least difficult and most pleasant duty of a representative of the people. It requires neither experience, industry, talents, nor fidelity, in members. But, sir, to see and to provide that it shall be faithfully expended, and applied to objects of public utility, is a more difficult as well as more important part of our duty. I am aware that upon this question of confidence, and competency of the public officers of the Government, as well as the policy of making large appropriations for building up the defences of the country, there is a ready and conclusive argument at hand in the minds of many. I know well enough that all objections are intended to be met and put down here, and before the people, by holding up for their due regard and acquiescence the sentiment and recommendation of the late special message upon French affairs. It should be borne in mind that 25,000 copies of that message were ordered to be printed by this House; and in a week from the date of that order, the whole number was said to be published, and at the disposal of members, when, at the same time, there were documents ordered to be printed at the commencement of the session, which had not been furnished. It is easy to penetrate the design of this unusual despatch. That document was expected to give tone to public sentiment, generally and speedily. The effect of it upon this House, after it had had time to be returned upon it through a thousand channels, was relied upon to pass the bill necessary to carry this new policy of the administration into execution. I beg leave to read a single paragraph of this message, that I may submit a few remarks upon the singular character of it:

"I may be permitted, I trust, at this time, without a suspicion of the most remote desire to throw off censure from the Executive, or to point it to any other department or branch of the Government, to refer to the want of effective preparation in which our country was found at the late crisis. From the nature of our institutions, the movements of the Government in preparation for hostilities must ever be too slow for the exigencies of unexpected war. I submit it then to you, whether the first duty we owe to the people who have confided to us their power is not to place our country in such an attitude as always to be so amply supplied with the means of self-defence as to afford no inducement to other nations to presume upon our forbearance, or to expect important advantages from a sudden assault, either upon our commerce, our seacoast, or our interior frontier. In case of the commencement of hostilities during the recess of Congress, the time inevitably elapsing before that body could be called together, even under the most favorable circumstances, would be pregnant with danger, and if we escaped without signal disaster or national dishonor, the hazard of both unnecessarily incurred could not fail to excite a feeling of deep reproach. I earnestly recommend to you therefore, to make such provisions, that in no future time shall we be found without ample means to repel aggression, even although it may come upon us without a note of warning. We are now, fortunately, so situated that the expenditure for this purpose will not be felt; and if it were, it would be approved by those from whom all its means are derived, and for whose benefit only it should be used with a liberal economy and an enlightened forecast."

Here, sir, we have a distinct avowal that there has been gross neglect somewhere. That is something gained; but it is left doubtful whether it is Congress or the Executive

that is chargeable with the neglect which is so manifest as to call for a full acknowledgment. It is evident, however, that the effect of the manner of this admission is to shield the delinquents, whoever they may be, and to charge the defenceless condition of our country at the late crisis to the nature of our Government. I shall, before I sit down, endeavor to vindicate our form of government from this charge, at least so far as concerns the late default. I pledge myself to show who were the real delinquents, and what were their employments when they should have been taking care of the public safety and interests. But there appears to me to be an inconsistency in the passage I have just read, which I cannot omit to point out. In one part of the paragraph this sentiment is expressed:

"From the nature of our institutions, the movements of the Government in preparations for hostilities must ever be too slow for the exigencies of unexpected war."

In another part of the same paragraph we find this sentence:

"I earnestly recommend to you, therefore, to make such provisions, that in no future time shall we be found without ample means to repel aggression, even although it may come upon us without a note of warning."

Now, sir, I do not know that it is proper to consider this passage as the result of deliberation, or to criticise too closely a paper which, like many of the same kind, have often to be drawn up without affording time for close or accurate revision; but it is manifest that this document was intended and expected to produce results of the greatest importance to the country. It was doubtless intended to prepare and reconcile the public mind to the change of policy by the party in power, and to give popularity to the project of expending the surplus revenue upon such objects as would raise us to the first rank among nations in military and naval power. I regard it, therefore, as entirely proper to point out any inconsistency which may impair the effect of it. It would be idle to vote a hundred millions to the public defence of the country, if it be true that, by reason of the nature of our Government, it is impossible that the country can ever be put into a condition to meet the emergency of sudden war.

Mr. Chairman, I regard the time as particularly propitous to a general review of the conduct and principles of men in power, especially in reference to the public defences. The French question is at an end, and we can now inquire into the conduct of the public officers who are responsible for them, and hold them up naked to the world, without a risk of exposing our weakness to a public enemy. A time of peace, too, it is said, is the time to prepare for war. This is the great maxim upon which the new policy of the administration is expected to be supported. A true and wise maxim it is, but one which is only half understood by those in whose mouths we most frequently find it. Many suppose that the only preparation for war consists in increasing our military and naval establishments. The great minister of the fourth Henry of France, who was surnamed the Great, understood the full import of this maxim. The best, the truest, and most effective preparation for war is to take care that all the important departments of the civil administration are in a sound and healthful condition, especially those connected with the fiscal resources of the country, and those which are the keys to public confidence. If they be disordered and deranged when entering upon a war, there can be no hope of a successful and economical management of the public credit and resources, or, in other words, of the sinews of war. There can be no reform in time of war. Public confidence is as essential to the support of war as money itself. In truth, it is confidence which supplies money. If you mean, then, really to enter upon a system of defence and effective preparation for war, begin at the right point: correct the abuses in your civil administration—regulate and discipline your household troops. When you have done this, and not before, may you feel secure of the faithful and skilful application of the public treasure to the public defence; and, when war shall actually come, success and victory cannot fail to crown your arms.

But there is a stronger justification than any I have yet mentioned, of the course of discussion and scrutiny which I propose. It is, that no time is to be lost in calling the attention of the public to, and exposing, some late practices of the party in power—practcies which are of the most mischievous and alarming tendency. We have too long slept upon this subject. Every moment of silent acquiescence here tends to give currency and support to these dangerous innovations, in the minds of the people. If there were but one voice to be lifted up in this House against the late conduct of the party, it ought to be instantly and boldly uttered. Besides the direct interference of public officers of the highest grade in the election of members to both Houses of Congress, is not the Executive Chief Magistrate engaged in the canvass, the open advocate and champion of the election of the Vice President to the presidency? Have we not, in fact, a Government candidate for the presidency, supported by the whole power and influence of the Executive? Are not the whole train of public officers, with all their dependants, in the field, in full cry, harking away, and hunting down every man who dares to interpose his influence against the consummation of their plans? I here in my place declare there is such a candidate, who, should he be elected, may be said to have succeeded to the presidency as truly and manifestly through the power and influence of the Government, as though he had been appointed to the succession, and actually installed in office by his predecessor. I do not say that every individual in office is giving himself up to this service; I know there are many honorable exceptions; but as a class, a corps, what I have said of the public officers I reaffirm. Sir, how long is this state of things to continue, before any solemn opinion shall be expressed by this House in regard to it? This interference of the Government in the election of a successor has been open and notorious for the last nine or twelve months. A session of Congress in the mean time has intervened; more than three months have elapsed since its commencement, and yet no resolution has been offered—no notice of any kind taken of so extraordinary a state of things. We have, too, a House of Representatives, in which there are said to be one hundred and forty members, who profess to be republicans! the disciples and followers of Jefferson! and not one of them has lifted up his voice here to denounce a practice so dangerous, and destructive of the constitutional guarantees of our liberty! How are we to account for this silence? Is it agreed by the party that there is no method of perpetuating their power but by a regular line of succession? Is this silence the result of a deliberate judgment, in favor of the practice of employing the patronage and influence of the Executive in behalf of the regularly nominated candidate? Sir, I hope, for the safety of the country, that it is not. But I have lately witnessed the rapid progress of error on this subject, not only in the minds of individuals, but of a whole community; and it is melancholy to reflect how sudden and precipitate may be the overthrow of all those principles and maxims which have heretofore been regarded as fundamental and essential to the very existence of our institutions and the public liberty. When the first evidence was given to the public of a direct interference of the Executive in the election of his successor, scarcely an individual of the party could be heard to defend it. But in a few short months every support-

er of the Vice President in that community was ready to attest his sanction of the practice, as just and expedient, under his hand and seal, if necessary. It is time to oppose ourselves to this error, if we would save the constitution.

Mr. Chairman, I have spoken with great freedom of the course of the party in power, and I have not spared my censure when I thought it was deserved. I intend to continue to exercise this privilege in the course of the remarks I yet propose to submit. But it is due to myself, standing in the delicate and difficult relation I now do towards that party, that I should distinctly declare the nature of that relation. I have, up to a late period, given a general support to the present administration of the Government. I still consider myself a supporter of the administration, upon every leading and important question which has arisen, to the same extent to which I formerly gave them my support, except those which originated in, or have been changed and modified by, the illegitimate desire and purpose of the Executive to secure the election of a particular and favorite successor. As to all the principles and practices which have proceeded from this source, I am, I have been, and I am firmly resolved still to be, opposed. If any member of this House can claim the indulgence of the committee in commenting freely upon the present state of public affairs, and especially upon the practices and objects of those in power, when it is remembered by whom and in what manner I have been assailed, I think I may do so. It is not only due to myself, but it is due to the few friends with whom I act in this House. I owe it to many of those of the Jackson party who have united their interests and influence with the party which is attempting to bring in the Vice President, and whom I hope I may still claim as my personal friends, to vindicate the principles which have impelled me to my late course. It has been said that I have abandoned the party to which I once belonged. I deny that the party now in power is, properly speaking, and if principle be the test of party, the same with which I once acted. But, sir, if this be the party of which I was once a member, I am free to admit, and I am ready to demonstrate to them and the world, that either I or they have proved recreant and faithless to every cardinal principle and polttical virtue which they once professed and avowed as the rules of their conduct. I proceed now to the proofs; and I shall, when I have arrayed them, most cheerfully submit to the decision of the public upon the question whether I or the party are the culprits.

[Here Mr. BELL gave way to a motion that the committee rise. March 21st, the navy bill being again taken up, Mr. B. resumed.]

At the close of my remarks on yesterday, I was claiming the privilege of vindicating the course of myself and the few friends with whom I act in this House. I said they were few in number; they are so. For the sake of the country, I could wish the number greater; but for the honor of the enterprise in which we are engaged, I would not add a unit to it. I know, too, the exact extent of the sympathies and good wishes of those who constitute the larger proportion of the opposition in this House to the party of the succession, to which those with whom I act may lay claim; but I am content to receive their countenance and support, however limited it may be.

Mr. Chairman, some of those with whom I formerly acted in this House did not think my declaration upon the nature of my present relations to the party in power sufficiently explicit. I can have no possible motive to assume an equivocal position, either before the committee or the country; on the contrary, I consider my honor at stake in taking a different course. I therefore repeat, that I shall support all the measures of this administration which I shall find to be in accordance with its early avowed principles, in the same manner and to the same extent I have hitherto done; and I shall oppose with all my influence and ability, whatever they may be worth, every measure, every practice and movement of the party, which can be traced to the policy or motive of electing the executive favorite to the succession. If the declaration that I hold myself still the supporter of the administration, to any extent shall appear inconsistent with my votes upon so many party questions which arise in this House from day to day, I can only answer that it is not my fault if the party action of this House shall, in almost every instance, have a direct reference not to the support of General Jackson so much as to the election of a particular candidate the presidency.

I now proceed to notice briefly those leading and prominent principles and professions of the original Jackson party, which those who now claim to be identical with that party have abandoned and disregarded in practice.

The original supporters of General Jackson advocated his election against Mr. Crawford, the candidate nominated according to party usage, upon the ground that the practice of caucus nominations of a President of the United States was a violation of the spirit of the constitution, as it tended to defeat the contingent right of the small States to have an equal vote in the election of that high officer, as often as the election might devolve upon the House of Representatives. They also objected to such nominations, because they were effected by intrigue and corrupt influences; and upon the further ground that they tended to defeat the free and independent voice of the people. All the objections to a nomination by a congressional caucus apply with still greater force to a nomination by a convention of pretended delegates from the people, such as we have lately seen at Baltimore. In the first canvass of General Jackson this was, in a very large section of the Union, decidedly the most popular and available argument against the candidate who had the advantage of a nomination by the republican party. But now, sir, no man is admitted to be a Jackson man, or a supporter of his administration, who refuses to admit the practice of caucus nominations to be orthodox, and to subscribe to the obligation of acquiescence and absolute obedience. It is worthy of notice that the very individual (Mr. Grundy) who, in the State which I have the honor to represent in part, was the most active and powerful opponent of the practice of caucus nominations in 1824, is now the leader of the party in that State which supports the candidate of the Baltimore convention!

In General Jackson's second canvass for the office which he now holds, commencing in 1825, the first, most exciting, and one of the most important positions or principles assumed by his friends was, that the right of the people to elect the President should be rescued from the hands of political managers in and out of Congress, and vindicated and secured to them by new constitutional guarantees. The recent election of the gentleman from Massachusetts who sits before me [Mr. ADAMS] had given rise to this feeling and determination of the Jackson party. Hence the proposition to amend the constitution, so as forever to prevent the recurrence of a similar event, was taken up and proclaimed as a capital object to be accomplished by the election of General Jackson. So serious and obligatory was this engagement of his original supporters regarded by General Jackson, that he has felt himself bound, in common decency and candor, to bring the subject of an amendment of the constitution to the notice of Congress at the beginning of every session of his administration. But what has been the result? The party which now has the assurance to claim to be the only and ex-

clusive supporters of that distinguished man have wilfully evaded the subject, as I will show before I close my remarks. They appear to have come to an understanding among themselves to regard all that the President is in the habit of repeating at each session upon this subject as an empty form. It has never been made a party question since General Jackson's first election. The fear of an election by the House was too potent an argument in favor of caucus nominations, to be dispensed with by a sagacious party. Another and most important principle assumed by the Jackson party in the canvass between 1825 and 1829 was, that it was essential to the purity of the Government, and to the independence of the elective franchise, that the practice of electing any of the great official incumbents to the presidency should be broken down. It was observed that, in the early period of the Government, it had come to be considered that the Vice President should, almost as a matter of course, and of right, succeed to the presidency. The first Mr. Adams, who was Vice President during General Washington's administration, was the next President. Mr. Vice President Jefferson ousted Mr. Adams; and, no doubt, but for the suicidal course of Mr. Vice President Burr, he would have succeeded Mr. Jefferson as President. But in Mr. Burr the regular succession of the Vice President to the presidency was broken, and afterwards the Secretary of State acquired something like a prescriptive right to succeed to the presidency. We must all remember the sentiment of a distinguished gentleman from Kentucky, (Mr. Clay,) expressed in justification of his vote, as a member of this House, in favor of the gentleman from Massachusetts, [Mr. ADAMS,] upon this subject: he avowed the opinion that the election of the Secretary of State to the presidency was a safe precedent. How obnoxious this doctrine soon became, and how much the author of it suffered in the estimation of the honest and stern yeomanry of the country who supported General Jackson, are well known. It was said, that if the precedent of electing any of the great officers of the Government to the presidency should be followed for any great length of time, we might as well establish an hereditary succession at once. The argument was ably and powerfully enforced, that such a practice would necessarily lead to great abuses of the patronage and influence of the Executive; that a public officer of so high a grade, being always near the Government, and constituting a part of it, would always be able, with a very small share of address, to conciliate the favor and support of the Executive. Have these arguments lost their force by the mere lapse of time? Do they not carry with them the same weight and conclusiveness now, that they did during the canvass which brought General Jackson into power? Yet, sir, do we not see in the support which is given by the Government to the Vice President this important principle, these solid arguments, all set aside and trampled under foot by the party which still bears the name of Jackson?

It was also a favorite principle, and a most effective topic of electioneering declamation of the Jackson party, that the purity and independence of the public press should be guarded and protected by legal restrictions and provisions against the influence and control of the Executive. It was thought by the Jackson party in former years that $30,000, disbursed at the discretion of the Secretary of State, was sufficient to corrupt, in a dangerous degree, the entire public press. The discretion of the Secretary of State, it was seriously contended, ought to be limited by law, so as to prevent the possible abuse of this fund, by bestowing it upon political partisans. Who among us does not remember the famous resolution of a gentleman from North Carolina [Mr. Saunders] upon this subject, and the equally famous debate that arose upon it? It was, I believe, a favorite scheme of my colleague, who is now the presiding officer of this House, [Mr. POLK,] to take from the Secretary of State the power of designating the publishers of the laws, and to vest it in the House of Representatives; so important, at that day, was the purity of the public press regarded by the Jackson party! I well remember what a decided effect was produced upon the minds of the people in the State which I represent in part, and what indignation was excited by the single act of the Secretary of State under the late administration, of taking the printing of the laws from the Nashville Republican, a paper friendly to the election of General Jackson, and giving it to the Whig, a paper published in the same place, and supposed to be in the interest of the administration. Well, sir, in the vicissitude of human affairs, it so happened that the party in whose cause the Nashville Republican had suffered came to be uppermost, and it was restored to its former rights and benefits; but, as if it were intended to manifest the utmost possible contempt for the early principles of Jacksonism, and to give the most unequivocal guarantee to new allies, which the nature of the case admits, that all the principles avowed by the original Jackson party are henceforth and forever to be repudiated and forgotten, the present orthodox Secretary of State has recently ordered the printing of the laws to be again taken from the Nashville Republican, which is now supporting Judge White for the presidency, and given to the Union, a paper printed in the same place, a paper purely partisan in its character, newly established, and of a very limited circulation, but in the interest of the Vice President. The Postmaster General has added his testimony to that of the Secretary of State, that the early principles identified with the name of Jackson are no longer to be the guide of the party in power. He has not only appointed a printer of a newspaper to be postmaster of a very thriving and considerable town in Tennessee, but the printer and the postmaster are actually suffered to meet in the same office. It is needless to say that this printer is, also, an avowed supporter of the Vice President. But, sir, to enumerate all the evidences which exist to show the deliberate purpose of the party to use the patronage of the Government in seducing the public press to their interests, would far exceed the limits of my remarks.

But the necessity of reform, a retrenchment of the expenditures of the Government, and the reduction and limitation of executive patronage, were the perpetual themes of the Jackson party, as originally constituted. The Augean stable, over which the gentleman from Massachusetts [Mr. ADAMS] was said to preside, was to be cleansed; the number of executive officers was to be diminished; and the discretionary power of the President of removing or changing them was to be restrained by legal enactments. The principle of all these engagements of the party, and to which they were bound by the highest obligations of truth, honor, and patriotism, was regarded as vital. Corruption, through executive patronage, it was foreseen, would become so universal as soon to sap and undermine the pure foundation of our free institutions, and convert them into the mere instrument of power and ambition. How these promises and expectations have been fulfilled by the party which now wears its mantle, may be inferred from these facts: first, the abuses then existing in several departments of the public service have actually multiplied under the present administration, instead of being reformed; second, the expenditures, especially in those branches of the public service most liable to suspicion and abuse, have been increased; third, public offices have been increased, and numerous officers have been appointed, some with discretionary and arbitrary allowances, and some with annual salaries, without necessity or warrant of law. The

patronage of the Government, instead of being reduced, has, of late, been increased in a most extraordinary and alarming degree in a variety of ways. The most obvious and alarming accession of executive patronage, power, and influence, which has taken place, has proceeded from the policy of the administration in putting down the United States Bank. Whatever may have been the motive, however pure and honest the purpose, the effect of that policy has been most clearly to put the Treasury, the money power of the country, at the absolute disposal of the Executive. Where is now your Treasury, and by what guards is it watched and secured? If the President should think proper to convert the entire revenue of the Government to any objects whatever of his own, whether public or private, is there any check or control existing in any department or officer of the Government, or any law, according to the construction which has been put upon existing enactments, over his will or command? Are not all the depositories of the public money selected, changed, and the terms of their connexion with the Treasury modified, at the mere will and pleasure of the Executive? Can he not order the public money to be retained in the hands of the collectors and receivers, or paid over, just as he shall think proper to direct? Though it may be that we have no just ground to apprehend any misapplication of the public funds by the President, (and I, for one, certainly have no such fears,) yet, is it fit in a republic that any one man, no matter how exalted in the public estimation, should have it in his power to dispose of the public moneys at his discretion? Is it fit, I repeat, that such a state of things should continue even for a day? But, sir, a party which calls itself republican has suffered not only months, but years, to elapse, under its administration of public affairs, without providing a remedy for this evil.

But, although we may have no fears of the fidelity of the President, so far as regards the expenditures of the public moneys by him, yet the mischief of increased executive patronnge is actually abroad. The command of the depositories of the public money confers upon the Executive, in effect, the control of every bank in the Union, nearly five hundred in number. It is not only the deposite banks which are liable to become the instruments of his will and purposes, in the selection of their officers and in the general management of their affairs, but the control which he exercises over them clothes him with the power to embarrass and cripple the operations of every other bank in the United States, if he shall think proper to exercise it. Does any one doubt the ability of the Government, acting, through an unofficial and irresponsible agent, upon the various depositories of the public moneys, to bring sudden destruction upon the interests and affairs of any bank whatever, which may incur the displeasure of the party in power? If the late bank, chartered by Pennsylvania, shall be able to encounter the hostility of the Government, I undertake to say it will be the only one which can hope to sustain itself in such a conflict. The very consciousness that the power exists in the Executive of the United States to inflict so great an injury upon the interests of any bank which shall cross the wishes of those in power, whether there shall be any intention to exercise it or not, will cause every bank in the country to become more or less subservient to the purposes of the dominant party. But is there not just such an agent as I have described now in the employment of the Government? The Secretary of the Treasury could not be safely made the instrument of executive influence and control over the moneyed institutions of the country; his acts and correspondence would be official, and might be called for and exposed; even his verbal instructions and intimations could not be disavowed by the Government, should they by any accident be brough. to light; but not so of the acts of the agent generally resident in this city, and notoriously in the confidence of the Executive and the deposite banks.

Sir, when we consider that the surplus revenue, including the unexpended balance in the Treasury, will, during the present year, average not less than thirty-five, and probably forty millions; and when we bring to mind the immense influence which the gratuitous use of this enormous capital gives to the Executive, besides the ordinary patronage of the Government, it is time that the country should awake to a sense of the consequences. Can public freedom long resist the assaults of such tremendous influences, when brought to bear, as we have just reason to believe they are, directly upon the election of the highest officers of the Government? It is not British capital; it is not the money of the United States Bank, whether dealt out in loans or largesses upon particular individuals; it is the people's own money which is turned against them, to corrupt the purity and destroy the freedom of the elective franchise!

Have we not seen very lately, by the proceedings of this House, that the party feel themselves no longer bound to pay even a decent regard to the question of the propriety of reducing or limiting executive patronage? The bill lately sent us from the Senate embraced, substantially, the creed of the original Jackson party upon this subject; yet, sir, the idea of attempting to attach any great importance to that bill, or to the subject-matter of it, was openly derided by several leading members of the party; and no single member of it gave it the least countenance, except the gentleman from Virginia who sits before me, [Mr. PATTON;] and even he qualified his approbation of the measure. Another honorable member from Virginia [Mr. DROMGOOLE] gave that bill its quietus in this House. It sleeps the sleep of death in the tomb to which he has consigned it. But does not every member of this committee know that an honorable Senator from Tennessee, and who stands in a very important relation to the public at this moment, has been denounced by the leaders of the party, and openly read out of the republican church by several of the leading journals of the party, for his course upon this bill? After these bold and undisguised evidences of the real contempt of the party for this whole subject, who is so credulous as to be hereafter deluded by their professions?

But again: is not the Senate, which was intended by the constitution to be in itself a standing check and limitation upon the use and abuse of executive patronage, to that extent, and as regards that purpose of its institution, actually expunged, and that, too, by executive power and influence? I demand of gentlemen to answer me, and say, if there exists, at this moment, practically, any controlling power in the Senate over the will of the Executive? Is not the constitution itself, for the time being, abrogated, subverted, overthrown? All men must now see and acknowledge that the duty of sending nominations of public officers to the Senate for advice and confirmation is reduced, in practice, to mere *form*. Have we not a Senate of the United States, notoriously replenished and organized upon the principle of non-resistance and passive obedience to the executive will and authority? And how, sir, has this state of things been brought about? The State Legislatures, those sentinel towers, as they have heretofore been supposed to be, upon the ramparts of the constitution and of the public liberty, have been boldly entered, and by executive influence seduced and prostituted to purposes of federal power and domination. Sir, if the Executive Chief Magistrate had entered the Senate chamber, sword in hand, and, supported by a band of chosen mercenaries, had driven the obnoxious Senators from their seats, and filled all the late vacancies by members

of his own appointment, he would have inflicted a deep wound upon the constitution, and one which I know he would never think of inflicting; but it would have been less dangerous, and more easily healed, than the one which has actually been inflicted. Yet, sir, all these things have been done under the influence and in the name of a party which calls itself republican, and claims to be considered the Jackson party!

It is well known that an unbounded respect for the rights of the States was professed by the original Jackson party, and every measure or practice of the Government which tended to consolidation was denounced as inexpedient, and even dangerous. To prove how little regard has been shown by those who now wear the garb of Jacksonism for the constitutional rights and independence of the States, it would only be necessary to call to mind the interference of the Federal Government with the election of Senators by the State Legislatures. But, sir, I may add, that the legislative proceedings of State Assemblies have been interfered with, and many of those bodies have already been reduced to the condition of mere dependent and co-ordinate portions of the great party machinery by which it is supposed this country may hereafter be governed—the supple and convenient instruments of the Federal Executive and party interests.

How the pledge of the Jackson party to reform those abuses which, under the late administration, were said to have brought the patronage of the Government into conflict with the freedom of elections, has been redeemed by the party which now controls the course of public affairs, we all know, and some of us feel. Instead of an isolated case of such conflict, which now and then was supposed to have taken place during the administration of the gentleman from Massachusetts, [Mr. ADAMS,] we now have the practice of such abuses reduced to a system, openly exercised, and openly justified by a large portion of the party!

I must not omit to notice the course of the party in reference to a branch of a great system of national policy which was thought, in the South and Southwest, to indicate the boundary between the two great contending parties then in the country, more clearly than any other: I allude to the subject of internal improvement by the General Government. It was supposed that this part of the policy of the late administration was checked by the celebrated veto message of 1830, and hundreds of the honest planters of the South and Southwest entertain that opinion to this day. Yes, sir, the truth is, that the expenditures upon objects which, in every light of reason, may be fairly denominated internal improvements, have actually increased under the action of the party now in the majority in this House, and far exceeded the expenditures of the late administration upon similar objects. I beg leave, as this is a curious as well as an interesting inquiry, to state the amount appropriated to objects of this description each year of the present administration, and the amount proposed to be voted by this Congress, which every one knows is orthodox. These appropriations have been usually made in two distinct bills, and under two separate classes. One class embraces the improvement of harbors and rivers, including breakwaters; the other, surveys, roads, and, in the language of the title prefixed to the acts, "certain works of internal improvement." Under both these heads there was appropriated, in the year 1830, the sum of $525,523 48; in 1831, the sum of $732,482 44; in 1832, the sum of $1,252,658; in 1833, the sum of $1,030,493; in 1834, the sum of $736,883; in 1835, the sum of $652,377. It is proposed by the committee of this House, organized upon party principles, to appropriate to the same classes of objects, at the present session of Congress, the sum of $1,966,328 92. The amount appropriated to the same classes of objects in 1828, the last year of the late administration, was $250,808. Here, then, we propose to expend two millions during this year, or nearly so, for one of any former year. Sir, the party which sanctions all this is still called the Jackson party!

But, besides the open violation of these, and many other principles of the original Jackson party, what are we to think of the strange and before unheard-of principles avowed by leading members in the majority of this House, in the debate upon this bill? Appropriations, without limit as to object or amount, are openly vindicated. The infallibility of the Executive is proclaimed; because the people have trusted General Jackson, therefore we ought to trust him with the whole Treasury. One gentleman (I allude to the distinguished gentleman from Pennsylvania, [Mr. SUTHERLAND,] who, I am sure, all will admit to be one of the most distinguished, as he is certainly one of the most active and efficient members of the party) declared that he had no scruples as to the amount of money to be appropriated; he was willing to trust General Jackson with the whole Treasury. "That great man," he said, (to use his own language,) "was known upon the hills and in the valleys;" the people had unlimited confidence in him, and we ought to have the same. These, sir, were, to my ears, doctrines both new and extraordinary, whatever confidence General Jackson may be entitled to. They are surely not the doctrines of a republic, much less of a party which can justly claim the merit of exclusive devotion to republican principles. Yet these sentiments were distinctly avowed upon this floor by more than one gentleman, and no member of the party rose in his place to disavow and repudiate them. Even the ancient and famous Commonwealth of Virginia, which has long stood the boasted champion of the true republican faith, could furnish no son on that side of the House, who dared to disclaim sentiments so subversive of every principle heretofore held vital to our constitution. I am far from doing all the individuals composing the majority in this House the injustice to suppose that they approve these, or, indeed, many other principles and practices of the party with which they find themselves connected. I know how difficult it is for individual members to separate themselves from the party with which they act, upon any question whatever, which assumes a party complexion. I have often felt the difficulty of such a course myself. I believe, sir, there are many individuals of the party of the majority of this House who do not accord with the present course of the party to which they belong upon many questions; who cannot long abide their present party connexions; and, sir, if I possessed the power of exorcism upon this occasion, I would bid them instantly come out from among the uncongenial elements and associates with which they are at present united.

But we cannot be surprised at the avowal of strange doctrines by the present majority, when we recollect that the single principle upon which the elections of the present day generally turn is unlimited devotion, not to any particular political creed, but to the party! Accordingly, we often find members of this House, and leaders, too, who either have no knowledge of those principles which have heretofore divided the country, or are so entirely regardless of them, if they know what they are, as in the same speech, nay, in the same breath, to avow themselves both restrictionists and latitudinarians, States-rights men and consolidationists, thorough democrats and ultra-federalists. And yet this is the nature of the association which claims to be the republican party in the United States! I know of no instance of equal absurdity and arrogance in the assumption of names, except the one which recently occurred in Pennsylvania, in which a State bank took the name of the United States Bank!

Sir, there is no one principle or maxim, as far as I can call to mind, avowed and professed by the original supporters of General Jackson, and which entered largely into the grounds of his success, which has not been evaded or disregarded; and many of the most vital and important of them have been openly, and, I regret to say, insultingly trampled under foot, in the face of the whole country, by the party now uppermost in influence, if not in power. In conclusion, upon this part of my subject, I have to request of gentlemen that they will answer my statements upon this subject fairly, in candor, and specifically; and that they will not evade the questions, and content themselves by pronouncing fulsome eulogies upon General Jackson, and in denouncing all who do not subscribe to every doctrine and practice of the party which supports his administration.

Mr. Chairman, I have not yet noticed the most exceptionable feature in the course of the party of the succession; for this may be well enough called the war of the succession, in the future history of the politics of the country, and one which, in my opinion, the friends of free government every where will long deplore. I allude to the practice of governing, and of securing party ascendency, by an artful system of popular excitement and delusion. The people are treated more like children, to be led and controlled by the usual tricks of the nursery, by bewildering their fancies and exciting their fears, than as men who have understandings to be appealed to. The cause of free government, I maintain, has suffered under the action of the party in power, in this respect. The doctrine of the capacity of the people for self-government has been weakened by it.

For the last two years, the subjects which have been gotten up to agitate the public mind, and which in many sections were successful in securing majorities to the party of the succession, were a series of pretences and impostures. I cannot refrain from an attempt to expose some of them as they deserve. I pass over the gold and silver humbug of 1834, and which went off about the close of the elections in Pennsylvania and elsewhere in that year. I pass over, also, the imposture of the expunging project of the party, which has only recently spent its force. This question, all mankind must soon see, was got up with a view to change the political complexion of the Senate in regard to questions of more interest to the party than the vindication of the character of the President, as the late confirmation of certain appointments will show.

I desire chiefly, sir, to call the attention of the committee to the late war panic, as one of the engines invented to sustain the interests and carry out the projects of the party. I am disposed to discuss fully the rise, progress, and uses, of the late French war: for, sir, we had a species of war with the French, and it had proceeded so far that we had actually a French party organized in the country, according to the declaration of various public journals. One use for which this was gotten up appears to have been, to enable the party to traduce the conduct and motives of various individuals; and, indeed, the whole party opposed to the continuance in power of those who now exercise a controlling influence in the country. The gentleman from New York [Mr. Cambreleng] did me the honor to notice my motion to take up the subject of the rules of the House, before we went into committee upon the appropriation bills; and he charged that I had opposed his motion to take up the appropriation bills at the time when the country was exposed to the danger of a war with a powerful enemy, "to talk about rules, rules!" I made that motion, in all honesty, for the purpose then stated; and I now appeal to the committee to say, if we have not lost a great portion of the time of this session for the want of some amendments to the rules of the House. But the honorable gentleman refuted the justice of his charge, when, on the next day after, the navy bill was taken up, it was laid aside upon his motion, without any other apology than that it was important to act upon the bill for the relief of the sufferers by the late fire in New York. Upon the authority of this charge of the gentleman from New York, I must suppose a statement was found in the Globe, the official paper of the Government, which I beg leave to read. [Here Mr. Bell read a paragraph from the Globe, in which it was stated, among other things, that Mr. B. had opposed the appropriations for putting the country in a state of defence.] I care nothing for any of the misstatements in the paragraph which I have read, except the one which charges that I was opposed to appropriations for the defence of the country. This statement is so far from being true, that I took the first occasion which fairly presented itself to declare my readiness to vote for liberal appropriations for this object; and such was my determination from the first. To show how far the political managers had succeeded in agitating the country by their course upon this subject, I will read another paragraph from the same paper of the 2d February:

"Resolutions sustaining, in the strongest terms, the ground taken by the President's message, have passed both branches of the New York Legislature unanimously. Nothing can speak more absolutely the sentiments of the American people than this unanimous expression of the feeling of all parties, where the party line is most strictly drawn and firmly maintained. There was never, we presume, a unanimous vote on any great question in that State before.

"In Alabama, too, the Legislature which has just adjourned closed its labors with a patriotic declaration that the State would pour out its blood and treasure like water, to sustain the Executive in the stand he has taken for the rights of the country."

Similar resolutions were passed by many other State Legislatures. Further to unfold the use which was intended to be made of the excitement created upon this question, and how and upon whom the indignation of the country was intended to be pointed, when once successfully roused, by unfounded representations, I ask leave to read another paragraph from the same paper, of the 11th of January.

After quoting the sentiment of the late Governor Shelby, of Kentucky, in relation to the policy of increasing the public defences, and preparing for war in time of peace, the editor makes the following comment upon it:

"What humiliation, after all the warning we have had, that the French should have the opportunity afforded of profiting by our dereliction of his invaluable instruction—of adopting the policy abandoned by us, and sweeping across the seas, prepared to punish, in a whole people, the vice of tolerating factious cabals of selfish intriguers, ready to sacrifice every public virtue, every patriotic feeling, to the sinister ends of personal ambition."

Besides these improper uses made of the late panic, there is strong reason to believe that another object in keeping it up was to aid in disposing of the surplus revenue of the Government. I feel myself, therefore, justified in remarking fully upon the whole question, and I now propose to demonstrate the following propositions:

1. Either that there was no probabilty, at any time, of a war with France, or that the public functionaries of the Government have been guilty of criminal neglect of their public duties; or, if there was actual danger of war, then that the gentleman from New York [Mr. Cambreleng] and those with whom he is associated in controlling the action of the Government, have paltered with the honor and safety of the country.

It may be of use to recur to the dates of the principal events connected with our recent difficulties with France.

The treaty was signed on the 4th of July, 1831. The bill drawn by this Government for the first instalment due under the treaty was presented and protested on the 2d February, 1833. The treaty was laid before the Chamber of Deputies for the first time on the 6th of April, 1833; a second time on the 11th of June, 1833; and a third time on the 13th of January, 1834. It was rejected by the Chamber of Deputies on the 1st of April, 1834. Information of this rejection reached Washington on the 6th of May following. Congress was then in session, and did not adjourn before the 30th day of June following. The message of the President recommending reprisals was sent to Congress 2d December, 1834. The French Government recalled their minister in January, 1835. Congress adopted a resolution to adhere to the treaty on the 2d of March, 1835. The Chamber of Deputies passed the indemnity bill, including a clause requiring an apology from this Government, as a condition of payment, on the 18th April, 1835. Information of this fact, I suppose, must have reached this Government some time in June following, at the farthest. The letter of the Duc de Broglie was read to Mr. Forsyth on the 11th September, 1835. Connecting the order of these events with the incidents connected with each of them, and which would require too much time to enumerate, it will be seen that some ground to apprehend a rupture with France might have been found in the protest of the bill for the first instalment due under the treaty, and the delay in carrying the treaty before the Chamber of Deputies. But, if war was to be apprehended at any time, it would seem that the rejection of the treaty, in April, 1834, would furnish the strongest ground of such apprehension. It was then that the most alarming spirit showed itself in the French Chamber of Deputies. But, admitting that that occurrence was so explained as to remove any serious fears of a rupture, the recall of the minister of France, in January, 1835, was calculated to cause some alarm. But, if that was not sufficient, surely, if there has ever been any danger of war, it must have been developed upon the passage of the indemnity bill, with the clause requiring an apology, in April, 1835. But, at all events, this danger, if it existed at all, must have become manifest upon the receipt of the letter of the Duc de Broglie, on the 11th September last; which, it is alleged, gave the first authentic notice that the apology would be insisted upon. Yet, sir, during the whole period from the 3d of February, 1833, when the bill of this Government for the first instalment due under the treaty was protested, up to the commencement of the present session of Congress, the dilapidated, unfinished, and unarmed state of our fortifications, the decayed state of our little navy, and the exposed and defenceless condition of our whole seacoast, were well known to the Government. Yet no recommendation is made by the Executive, and no step actually taken, to complete, arm, or repair them, up to the present session of Congress! A prudent foresight would have called for supplies from the Treasury, and caused the utmost activity to prevail in both these branches of the public service from May, 1834; if not from that time, at all events from the moment it was known that an apology was required by France which could not be made. But not a hammer is heard; a dead silence reigns during all this time, not only in our navy yards and upon the fortifications, but even in our public documents and in our legislative proceedings, upon the subject of defence or preparation for war! But if this neglect to call upon Congress for the means of putting the country in a condition to meet the emergency of war, until the opening of the present session, may be excused, what plea can save the gentlemen? What apology can they make to the country for their failure to urge upon Congress the necessity of immediate action, and of voting the necessary supplies without delay, to finish and arm our fortifications, to fit out and repair our ships of war, at the opening of the present session of Congress? We read with amazement the reports from the War and Navy Departments, without finding any notice or recommendation of war appropriations—any reference to the supposed crisis. We read the President's message itself, without any recommendation of those speedy and vigorous measures which the alleged exigency called for. But this is not all; the regular and ordinary appropriations for the army, the navy, and fortifications, were not reported by the Committee of Ways and Means at the first of the session, nor until after the lapse of nearly a month; and, after they were reported, they were permitted to sleep upon the table for more than a month before they were seriously moved! And are two months' time of no importance, when we are upon the eve of a war? Mr. Barton arrived about the middle of January, and brought no better prospects of peace than we had at the beginning of the session. And on the 18th of January we were favored with the first special message; but still the navy bill was taken up only to be laid down again! Yet, sir, during all this time, the country is kept under continual apprehension of war! Have we not a right to an explanation of this mystery?

Let it not be said that those who caused the loss of the three million appropriation on the 3d of March, 1835, are responsible for the late neglected and defenceless condition of the country. When the news, first of the proffered mediation of England, and then of the satisfaction given to the French Government by the first message, reached us, we were within a few days of the 3d of March, 1836; nearly a whole year having elapsed since the loss of the three million appropriation, and no step was taken in the mean time to repair that error, if it were one. Who is responsible for the neglect of the public defences since the 3d of March, 1835? The constitution clearly pointed out the remedy for the miscarriage of that proposition. If any cause existed to create a just apprehension of war, Congress might have been convoked at any time after the 3d of March, 1835; and none can doubt that, if the President had recommended appropriations for the public defence, even at the close of the last session, they would have been promptly voted by both Houses of Congress. But, for the delay in adopting measures of defence and preparation for war after the present session commenced, neither the Senate nor the House is responsible: the House has never failed to take up any appropriation bill the moment it was moved by the regular organ of the administration, the chairman of the Committee of Ways and Means. I repeat, then, either that there has, at no time, been any probable cause of war; or that those whose duty it was to provide for such an emergency have been guilty of a criminal neglect of duty; or, if there was actual danger of war, that those who have controlled the action of the Government on this subject have paltered with the honor and safety of the country.

II. But, if there has been no just cause to apprehend war, I affirm that the party which now controls the Government have played upon the honest credulity of the people, trifled with the feelings of the brave and patriotic, disturbed the quiet, alarmed the timid, and checked the trade and enterprise of the country, in the most unjustifiable manner, and for the most unworthy party purposes.

Without going into particulars, I appeal to the members of this committee, and to the country, if, since the 3d of March, 1835, there has not been a constant and studied effort on the part of the Government journal of this city, by the presses in the same interest all over the country, to create and foster the belief that there was danger of a war with France? Have we forgotten,

can we ever forget, the continued and furious denunciations of the Senate, and particularly of an honorable Senator from Tennessee, for refusing to give their support to the three million appropriation? Upon this point, we have but to remember the inflammatory appeals incessantly made to the people, upon the defenceless condition of the country, since March, 1835. But we have better proof, if possible, than these, of an intention to excite the country upon the subject of a French war. The chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] in his remarks upon moving the amendment of two millions to the bill under consideration, on the 13th January, and again in his speech upon the resolution of the gentleman from Massachusetts, [Mr. ADAMS,] took high ground upon this subject, and indirectly charged every man who failed, at such a crisis, to vote for the appropriation moved at the last session of Congress, as an enemy to his country. His words were, that "every friend of his country" did so. He also spoke of frittering away the rights, and honor, and interest of the country for mere forms; and he had the audacity—I mean no offence by the use of the term, but I cannot find one more expressive of his course—he had the audacity to say to the House that it would be more profitably employed in putting the country in a state of defence, than in debating a resolution which he himself, and all his political friends, except one or two of the more sagacious, had voted to take up and discuss in preference to all other business before the House! The gentleman also reminded the House that, "in former times, the patriots of the country did not wait until the enemy was at our gates before they voted the means of defending the country." He, in the same speech, expressed the sentiment that, "if France now paid the money, she would be more disgraced than any one nation ever was."

[Mr. CAMBRELENG here explained, and asked the gentleman from Tennessee to state all that he had said in connexion with the words referred to. His meaning was, that the French Government would be disgraced, if, after exacting an apology, and declaring that none would be received but one according to the letter, it should pay the money, when none such was or ever could be made.]

Mr. BELL resumed. The gentleman from New York was correctly understood by me, but he will perceive that the force of my argument is not impaired by his explanation. It is rather strengthened by it. I was referring to that part of the gentleman's speech, to show that he intended, by that declaration, to impress the country with the belief that we would have war. The gentleman from Virginia [Mr. MASON] also contributed his efforts to increase the expectation of war. He informed us, in his remarks upon the resolution submitted by him on the 26th of January, "that we might be resting under a false security; that it was unsafe to cry out peace! peace! when there was no peace;" and, in the conclusion of his argument upon that occasion, he solemnly warned members of the House of the weight of responsibility which would rest upon them if they refused to accede to his proposition at such a crisis, and when the country was in so defenceless a condition. These, sir, are fair specimens of the system of agitation which has been pursued since the 3d of March, 1835. A system of alarm and agitation upon the subject of a French war has been the order of the day. Many members of the party in this House appear to have been deceived by it. One gentleman, in speaking of the resolution of the gentleman from Maine, [Mr. JARVIS,] proposing an inquiry into the expediency of increasing the navy, declared that he was ready to anticipate the opinion of the Executive in relation to a war with France. The same gentleman said aloud, in his place, when the vote was about to be taken upon that resolution, that he would consider a vote against it as an abandonment of the administration! Now, why all these declarations? Why all this alarm? Why were we continually threatened with the prospect of war, if there was actually no probability of such an event? Gentlemen must know that much real mischief has been the result of this course. It is only a few days ago that I received a letter from a planter of the Southwest, written before the news of the present state of our relations with France reached him, filled with the most gloomy forebodings of the consequences of a war upon the planting interest, and stating that the energies of the country were already in some degree paralyzed, in contemplation of that event. A large portion of the country was misled. Many of our most intelligent citizens were made to believe that we would have war. Our merchants were afraid to adventure; our ships lay, for a time, idle at our wharves; and a material check was given to the trade and enterprise of the country. I ask again, if there was really no danger of war, why those false pretences—those unfounded alarms? I repeat, that the honest credulity of the people has been played with; the feelings of the brave and the patriotic have been trifled with; and serious injury has been inflicted upon the country for the most unworthy party purposes.

III. But whether there was danger of war or not, or whether war was intended or not, I affirm that those who advised and permitted the late state of our relations with France, and suffered the public defences to remain in their present condition, exposed the country to the imminent hazard of dishonor and great damage. Is not this now a self-evident proposition? If there was no intention to provoke a war with France, is it not evident that our diplomatists got us into a position from which we could not retreat without dishonor or war, if France had been inclined to war on her part, and had adhered obstinately to the letter of the apology demanded by her Government? Sir, we said, in the first place, that we would ask for nothing but what was right, and would submit to nothing that was wrong. We then threatened to indemnify ourselves for the money due under the treaty by reprisals upon French commerce. In our public journals, in the official gazette of this city, we openly charged the French King and Government with a breach of faith; we abused, through the same journals, the whole French people and character; and, at the same time, did all we could to rouse the people of our own country to a war spirit and determination against France. Well, sir, while we are in the midst of this honorable career, the Chambers vote the money, but say they must have an explicit explanation of these sayings and doings on our part, as a *sine qua non* of payment. The President replies promptly, as was proper, that he will make no apology. Now, sir, was there any course left, but to fight, or be disgraced in the eyes of all the world, if France had been obstinate, and had agreed to receive no apology except one in the form the President had declared he would not give it? After years of pompous declarations of what we would do if France did not comply with our demands, we could not, with honor, have delayed such measures of redress as would have provoked an immediate declaration of war on the part of France. If it had been our fortune to have encountered immediate war—that, in the outset, our arms would have suffered defeat, and all our interests infinite injury, none can doubt. If any gentleman is disposed to imagine a different result, let him look at the relative condition and resources of the two countries at this moment. Our fortifications are decayed, incomplete, and unarmed; our harbors and large towns undefended and defenceless; our navy, consisting of only some twenty ships of war in commission, and among the number only one ship of the line and four frigates. To match these, France has more

than a hundred ships of war in commission, and, among the number, six or eight ships of the line and sixteen frigates. But we have some forty ships upon the stocks, and which might be made available in a short time, and, among the rest, eleven ships of the line and fourteen frigates. But, to match these, again, France has more than two hundred ships of war on the stocks or in ordinary, and which could be made available in a short time, and, among the rest, fifty-seven ships of the line and sixty-four frigates. It was against this naval force, five times greater than our own, that our honor was pledged to combat without delay, if France had been obstinate, or, rather, if the political complexion of Europe had not interposed to modify her councils.

IV. But, upon a full view of all the circumstances of this question, there will appear too much room to believe that those who really direct the course of public affairs, and who claim to be the exclusive champions of the fame and honor of the country, never intended or had any strong apprehensions of war, whatever the rank and file of the party may have thought. They have felt, all the while, that they held in their own hands the issue of peace or of war; and they were perfectly easy on that score. How, and under what private assurances, they came to feel such confidence on these points, it is not for me to inform the public. But that they had sufficient evidence to satisfy them, on the 11th of September last, or before or after that date, that such an explanation as the President could at any time give, without any inconsistency with his declaration that he would not make the apology demanded by the indemnity bill, was in possession of the leaders of the party here, I have no doubt. But, sir, there were too many advantages to be expected from keeping up a panic; and the war has been permitted to rage, not against France, but against the Senate, against an honorable Senator from Tennessee, and upon the Treasury.

Need I go into details? Need I point out the particular proofs upon which I rest this charge, grave and serious as it is? Sir, does not the neglect to take the first step towards defending the country prove the fact, without further showing? It is notorious that one, if not more, of your largest commercial depots (Boston) and naval stations were, and are at this moment, not only defenceless, but not even a single gun can be brought to bear for its defence, though it is now nearly two years since the rejection of the treaty by the French Chambers. Public property of the value of seven or eight millions of dollars is also known to be deposited at this point. One thousand pieces of heavy ordnance are wanted to arm the fortifications already finished, or nearly so, and some fifteen hundred for the navy, in addition to those on hand; many of the guns now constituting a part of the armament of our ships of war are of a construction which renders them, in the opinion of many, as terrible to ourselves as to a public enemy, and all the while we have had nothing but rumors of war; yet, sir, the first great gun has not been cast to prepare for the battle! The timbers of your ships upon the stocks are rotting, and in some instances are actually rotten. The truth cannot be disguised, and need not now be disguised, that three frigates and five thousand men, skilfully commanded, could at this moment capture, burn, or lay under contribution, your largest commercial towns; capture and destroy all your ships of war in ordinary or on the stocks, together with every stick of timber you have been collecting for so many years, at any or all of your numerous navy yards! Nay, sir, I have heard the opinion expressed, (and I believe it well founded,) that, in the event of war, a single frigate might have been towed up the Potomac, and have battered down this Capitol, and every public building in this metropolis, with perfect impunity; so wholly neglected and defenceless are all the exposed points upon our bays and seacoast! The belief that our public functionaries can have been seriously meditating war, under these circumstances, could only be founded upon the idea that they were either lunatic or treacherous to the country—a supposition which none can for an instant indulge.

But there are other evidences that war has not been before the eyes of the leaders and managers of the party. If it had been, the first movement at the opening of the session would have been to make immediate appropriations for the public defences; the appropriation bills would not have slept upon the table until the 9th of February, for it was not until that day that the navy bill was seriously moved. The annual executive reports would also have been swollen with the note of war preparations. But what did we really see in them? The usual estimates for fortifications from the Department of War. From the Navy Department, a recommendation of three frigates and three sloops of war, in addition to the number of vessels now in commission, for the more ample protection of our commerce! But the most decisive and satisfactory evidence that war was never actually anticipated as a thing of substance, although kept continually ringing in our ears, is to be found in the action of the committees of this House, organized upon party principles, and where every disposition exists to second the views of the administration. None can be so ignorant as not to know that if war with so powerful a nation as France had been regarded as a probable event, every resource of credit and revenue ought to be husbanded with the most rigid economy. It is obvious, however, that the very reverse of this policy was pursued. New sources of expenditure have been sought out. The expenditures upon internal improvements were proposed to be doubled in the course of the present year, as we have seen. The Committee on the Public Lands, early in the session, reported a bill for the reduction of the price of the public lands, which it may be estimated would soon reduce the revenue from that source one third or one half. The gentleman from Kentucky, [Mr. JOHNSON,] who is at the head of the Committee on Military Affairs in this House, and who, from the prominent and distinguished position which he now occupies in the party, as their candidate for the vice presidency, must be presumed to have been in the secret of those who were best informed as to the prospect of a war with France, reported a bill proposing to expend, during the present year, upon fortifications, the sites of which have not yet been purchased from the private owners, and which no one supposes could be constructed in time to have been of any use in the war anticipated with France, the enormous sum of two millions and a half! But there is another piece of evidence more conclusive, if possible, than any I have yet pointed out. A salary and outfit for a minister to France are asked for in the general appropriation bill, and reported as early as the 26th of December last. This fact can only be explained upon the supposition that our Government looked with certainty to an immediate restoration of amicable relations with France. It is absurd to suppose either that this proposition found its way into the bill by accident, or that it was regarded as mere form, and the money intended to be used only upon the contingency of a settlement of the difficulties with France during the year. If the stern and apparently uncompromising and warlike stand taken by the President in his messages to Congress at this session was intended to operate upon France, as is alleged, would the Secretary of State have ventured to counteract all the effect of his display of firmness, by sending in an estimate for the support of a minister at the very court to which it was our policy to hold up the vision of war? The idea is inadmissible. The appropriation was asked in the perfect confidence that, by the close of the session, it would be desirable to send a minister to France.

Mr. Chairman, I have spoken fully of what I consider objectionable in the course of the party in power, in relation to our difficulties with France. But I wish it to be borne in mind, that it is not their course towards France that I complain of; it is to their course towards their own country, in keeping up an unfounded alarm, for various party purposes, that I object. As to France, I make no defence, I have attempted no defence, of her conduct. In my opinion, no defence can be made for the course of that Government, in requiring an apology before payment of the money. The money that was admitted to be due, by treaty, ought to have been first paid: and then an apology might, with better reason, have been demanded.

But, sir, I cannot forbear to remark on the superior skill of the French Government in the management of the question on her part, if it had been her policy or interest to provoke or make war. The French were insulted; the faith of their King called in question; and the pride of the nation roused by a menace of hostile measures on the part of this Government. They recall their minister, and our distinguished negotiators take it for granted that there was an end of French resentment. They proceed with dignity to discuss the treaty again; and when they are prepared, they announce the result to our Government by a vote of the Chambers. They give no insult; they use no menace; they make no pompous parade of hostile intentions; but simply and firmly declare that they are now ready to pay the money, but desire to be saved the mortification, in the face of all Europe, of having been compelled to the measure of payment by the terror of American arms. When France avows her purpose, in the very teeth of your unanimous resolution to adhere to the treaty, that she will pay only upon receiving an apology, she makes the declaration after active and effective preparations to meet all the consequences; she declares her purpose under cover of a hundred ships of war, and a hundred thousand men. Now, a menace under such circumstances would mean something. What must Europe have thought of our Government, if we had unfortunately been suddenly involved in a war with France? She would not have undervalued the people of this country, their spirit, or resources, for in time we would have caused both to be properly estimated; but what opinion would have been formed of the skill and foresight of the party in power, I leave to the country to determine.

Let it not be said that General Jackson is responsible for all the deficiencies in the public defences. He has responsibilities enough of his own to bear. Let the leaders of the party be held to a just proportion of them—the heads of Departments to theirs. The Vice President has less to do than any of them with the details of business—in fact, he has no business; he is the very man who has had nothing to do but to exercise a general superintendence over all the various departments of the public service. The President, besides the various and constantly recurring duties of his office, has, to my certain knowledge, given a very large proportion of his time to the interest of the Vice President in Tennessee and elsewhere. He supposed, naturally enough, that his lieutenants, his secretaries, together with the Vice President, who aspires to bear off the chief honor in the gift of the party, would take care that the public defences were duly attended to.

If I am asked, Mr. Chairman, how it happened that I was ready to have voted liberal supplies for defending the country, when I had so decided a conviction that there was no danger of a war with France, I answer, that it was not for me to assume the responsibility of acting upon the certainty that there would be no war. I formed my opinion upon circumstances which were conclusive to my mind, but I could not know what might be the result of the complicated interests of the party in power. It was quite possible that they might have found themselves engaged in a war, against their own calculations.

Sir, while I am upon the subject of the neglect and omission of duty, in relation to the military and naval defences, on the part of those who have had charge of the general interests of the country, I beg leave to make a few remarks upon the condition of other branches of the public service. It is not only our fortifications and our navy which have been permitted to remain unarmed, and in a state of dilapidation, but I affirm that many of the civil departments of the Government are in no better condition; and this I am ready to demonstrate to the House and to the whole country, if proper authority is given for that purpose. Besides the irregularities, abuses, and corruptions, which have been shown to exist in the Post Office Department, I affirm that the General Land Office is in a condition scarcely less deplorable. There is neither order, despatch, nor, in the case of some of the officers, is there fidelity in the management and administration of that most important and interesting branch of the public service. I affirm that this is true, and would be so, independently of the alleged want of clerical force in the department. The evil exists in many of the great land districts in the interior. The same thing is substantially true of the Indian department. That branch of the public service has, within a few years past, grown into an importance four or five fold greater than formerly. The expenditures in this department, a few years ago, did not exceed some two or three hundred thousand dollars annually; now they are between one and two millions; the irregularities and abuses appear to have multiplied in proportion to the magnitude of the public interests connected with it. What, it may be asked, are the causes of these extraordinary abuses? The cause is simple and single. The entire incompetency of much the larger number of the officers and agents employed as heads of bureaus, or distinct and subordinate offices. It is the want of capacity, of skill, and, in some cases, of every necessary quality. This is the great and decided cause; and the remedy does not exist in a new organization of this or that department, nor in the invention of new checks and restrictions upon the discretion of officers. The remedy for this abuse, like all others, will be found in the removal of the cause of it. Nothing is more important to be understood, and extensively propagated, in this country, than this: that no Government, however wise and perfect in its form, exists, but may and will be abused and perverted to bad and corrupt ends, whenever it shall fall into the hands of a set of administrators of loose or bad principles. No constitutional or legal enactments can supply the deficiency of ability or fidelity; no checks or regulations can anticipate and defeat the devices of artful and unprincipled office-holders. Neither ability nor purity can be conferred by law. On the other hand, all experience has shown that, under any form of government or of official regulation, however defective, when the public officers are possessed of the attributes of talents and fidelity, the public liberty will be respected, the public prosperity promoted, and the great end of human government successfully carried out.

But there is one mystery connected with the existence of the gross abuses in some branches of the public service which deserves to be mentioned. How has it happened that these abuses have not only been suffered to exist, but even to increase under an administration so decidedly popular and powerful? When this problem shall be solved to the satisfaction of the public, the remedy will be supplied. The true answer to the question how these abuses come to exist under such an administration is, because the administration is such as it is—be-

cause it is popular. Every man of sound mind and lawful age knows that the President, nor any other being of created existence, can exercise a personal inspection and superintendence over all, or even a tenth part, of the most important details of the public service; yet every important transaction connected with the public service is so managed by the subordinate officers as to throw the responsibility upon the President. If the delinquent officers do not do this themselves, their defenders in Congress and out of Congress do not fail, in effect, to fix the responsibility there. Whenever in Congress, or in the country, complaint is made of abuse in any branch of the public service, the answer is, eternally, that the charge is meant as an attack upon General Jackson! His great name and popularity are the shield and buckler of every official delinquent, whether from incompetency or infidelity, from a clerk to the head of a Department; from the register or receiver of a land office, or an Indian agent, to a minister plenipotentiary! The name and services of Gen. Jackson, I repeat, are invoked to shield and cover over, as with a mantle, every official transgression or omission, from the highest to the lowest, whenever it suits the interest of the party to avail themselves of them. And the people are called upon to rally round, to stand by and defend, not the individuals arraigned, not the delinquent department; but the President himself, who, it is asserted through a thousand channels, is intended to be struck at and stabbed through the sides of the accused officer or department. The people cannot, at once, detect the artifices of party. They are jealous of every thing which savors of an attack upon General Jackson; and they, in general, act upon that suspicion. Those, therefore, who dare, here or elsewhere, to find fault with the course of affairs, upon any ground, instead of finding countenance from those in power, or from the dominant party, instead of being cheered on in the ungracious task of reform, are met at the threshold with the charge of secret and sinister motives—with anti-Jacksonism. They are told that their object is to assail the character of the hero of New Orleans and the conqueror of the United States Bank, as if either one or the other of those victories could be of any worth, now or hereafter, except to protect the constitution, the country, and its liberties; as if those victories could be of any value, if, as the price of them, we are to surrender that very constitution, those very liberties, those rich and glorious prizes, for which those battles were fought and won. If they who venture to make charges against any department of the public service are not met precisely in this way, they are, at all events, told that General Jackson is the head of the Government; that he is responsible for all the executive branches of the public service; and no attack can be made upon any branch of the service, therefore, without attacking him, and every body knows that he does his duty; a most shameful, egregious, and pernicious fallacy. But the absurdity of the argument does not prevent it from being constantly interposed. The argument is, that, because General Jackson is able, faithful, and patriotic, in the discharge of all his duties, therefore all the subordinate officers of the Government are so likewise. But more: if any one shall reply to all this, that he means no attack upon General Jackson, and that he is willing to exonerate him from any agency in the abuses which are alleged to exist, he is forthwith denounced as a hypocrite, as a dastardly assailant, who wants the courage and independence to make a direct attack. He is dared to come forward like a man, and assail General Jackson as the author of all these abuses; his pride is appealed to, his feelings are chafed, to draw him on to utter the fatal denunciation, and the moment he does so, the myrmidons of the party stand ready to hack him to pieces! These, sir, are the true causes of the continued abuses in the public service. They are themselves, without doubt, the greatest of all abuses. So long as a great and venerated name may be successfully opposed to all inquiry, to all reform in the public service, so long will abuses continue to multiply. So long as a system of terror and punishment, through the agency of the public press, shall be successfully practised, abuses will thicken upon us. I have said that the means resorted to, to suppress inquiry into abuses, are themselves the greatest of all abuses. Sir, they are so. I affirm that they are such as cannot long exist in a free Government; for no Government in which they exist for a great while can be free.

The failure of the proposition to appropriate three millions of dollars for the army, navy, and fortifications, and the loss of the regular fortification bill at the close of the last session of Congress, are now become stale subjects; but the circumstances connected with those events, and the use which has since been made of them, are of too much importance, and too intimately connected with the character and conduct of the party in the majority in this House, to be suffered to pass without further notice. The common opinion of the country is, that to Congress alone is to be attributed the late defenceless condition of the country, when it was supposed that we were on the eve of a war with France; and the loss of the three million appropriation and of the fortification bill, between the two Houses, has been the evidence relied upon to fix the responsibility there. To do justice to the respective political parties, between which this subject has become a point of contention, it is important that the real authors of those miscarriages should be clearly ascertained and exposed.

But, before I come to notice the circumstances immediately connected with the action of the two Houses upon this subject, I wish to call the attention of the committee to the course of the party in power, in relation to the public defences, during the session of 1834, as well as the last session, which will include the whole period of time since the rejection of the treaty by the French Chambers, in April, 1834. I expect to show, by this inquiry, that it was the policy, systematically pursued, during the years 1834 and 1835, up to the 3d of March in that year, to keep down the appropriation for fortifications, and to curtail them below the usual standard, notwithstanding the pending quarrel with France; and, before I have done, I trust I shall be able to place before the committee such facts as will leave it no longer doubtful who should bear the responsibility of the neglected, unarmed, and decayed condition of the public defences.

The regular bill making appropriations for fortifications for the year 1834 was under consideration on the 19th day of June of that year. The chairman of the Committee of Ways and Means, [Mr. POLK,] who was the regular organ of the administration in this House on all subjects connected with appropriations of the public money, and who, in this instance at least, all will agree, cannot be suspected of taking a course in opposition to the views of the Executive, made a motion to amend the bill by reducing the item reported in the bill by the committee for preservation of Castle Island, and repairs of Fort Independence, in Boston harbor, from $34,758 80 to $17,594. This motion was successful. He followed up this motion by moving to strike from the bill $100,000, which had been reported for a fort on George's Island, in Boston harbor; but this motion failed, after an animated debate. The same gentleman again moved to strike from the bill the appropriation of $100,000 for a fort on Throg's Neck, and also the item of $50,000 for a fort at Grand Terre, Louisiana. Both these motions were carried against the wishes of the organ of the Government. A gentlman from Maryland [Mr. MCKIM] moved to add an item of $25,000 for the defence of Baltimore, which

was voted down. That these proceedings may be duly understood and estimated by the country, it must be borne in mind that they took place nearly a month after the receipt of the intelligence by this Government of the rejection of the treaty by the French Chamber of Deputies, and after the question of a war with France gave rise to much speculation in the public mind. It ought, also, to be remembered, in connexion with the proceeding in relation to the defence of Boston harbor, that there is not to this day a single gun mounted, nor a single work in repair, for the defence of that city.

I now proceed to notice, in order, the proceedings of the House of Represenatatives upon the regular fortification bill for the year 1835. That bill was taken up for consideration on the 15th January of that year. Mr. Everett, of Massachusetts, moved an amendment of $75,000 for repairing the fortifications on Castle Island, in Boston harbor according to a plan of the board of engineers. He argued, in support of his motion, that a call had been made on the War Department by the estimate of the board of engineers. The chairman of the Committee of Ways and Means [Mr. POLK] "denied that this appropriation was authorized by the recommendation of the Department. He then called on the House to endeavor to keep these appropriations down, at least to the estimates of the officers appointed to make them." He further stated that "he had long, with pain, witnessed the fact, that all excesses of appropriations had originated in that House." The same organ of the Government, and leader of the party upon this subject, [Mr. POLK,] when upon the floor again, during the same debate, declared that, "as he regarded the vote which would be given on this question indicative of the feelings of the House on subjects of the most emphatically vital importance, he deemed it essential to have a full House when it was taken. He therefore moved a call of the House." The motion of Mr. Everett was rejected, after a call of the House, by a vote of 120 to 87. Of those who voted in favor of the amendment, only sixteen belonged to the administration party; and ninety of the same party voted in the negative; and, of course, gave their deliberate sanction to the doctrines and policy laid down and advocated by the chairman of the Committee of Ways and Means.

It is an important and singular fact, that the fortification bill, at the last session of Congress, went to the Senate, from the House, with less than one half of the amount appropriated in the year 1834. If dates had not been referred to, I dare assert that no one would have dreamed that these solemn proceedings, this deliberate vote in confirmation of the policy of small appropriations for the military defences of the country, could have taken place as late as the middle of January, 1835, after the date of the reprisal message, and only five or six weeks prior to the 3d of March, made notorious by the loss of the entire fortification bill. Still less will the public be able to comprehend the mystery, that those proceedings were sanctioned by the same political party which has made the whole country ring with their denunciations of those who were alleged to have exposed the country to the attacks of a foreign enemy, without the means of defence, and when there was imminent danger of war. If I were to proceed no further in arraying the proofs which I propose to lay before the committee upon this subject, I submit that there can be no longer any doubt where, and upon whom, the responsibility of neglecting the public defences must rest; at all events, up to the period of the 3d of March, 1835. Well, sir, what new lights had flashed upon the country, and upon the organs of the administration in this House, between the 21st of January, when the fortification bill passed the House, and the 3d of March following, when the proposition was made for an appropriation of three millions for the public defence? Was there any stronger reason to appprehend war in March, than had existed in equal force, from April, 1834, when the treaty was rejected by the French Chamber of Deputies; or, at all events, from the date of the reprisal message?

I now propose to notice some of the most material of those facts and circumstances connected with the loss of the fortification bill at the close of the last session, which struck me at the time, and yet impress me with conclusive force as to the motives and the authors of the loss of that bill. As to whether this House or the Senate ought to be charged with the loss of the three million appropriation, which the gentleman from New York [Mr. CAMBRELENG] says is the true issue, can, in fact, present no issue at all. The Senate undoubtedly defeated the proposition to appropriate three millions, but that body did agree to appropriate one million seven hundred thousand dollars for the defence of the country, including the amount embraced in the fortification bill as it went from the House; and the question is, who defeated this appropriation bill, and, with it, the eight hundred thousand dollars agreed upon by the committee of conference; and what were the motives and objects, and what are the responsibilities, of those who defeated this bill? This is the true issue; these are the true questions presented for the decision of the public.

The strongest argument in the power of any one to address upon this subject will be found to consist of a simple narrative of the several motions and orders of the House, relative to the fortification bill, on the night of the notorious 3d of March; together with some notice of the points taken in the very brief debate which accompanied them.

The House amended the bill by inserting an appropriation of three millions of dollars; the Senate refused to concur with the House in this amendment. The House determined to insist upon its amendment; the Senate then came to a resolution to adhere to its disagreement, leaving the alternative to the House, either to recede from its amendment, or to ask a conference. If the House determined to adopt neither of them, then the bill would be lost as a matter of course. Upon the announcement of the message in the House that the Senate refused to agree to the amendment, a gentleman from Virginia [Mr. GHOLSON] expressed "a fervent hope that the House would recede;" he was "conscious that no man, woman, or child, who had any intelligence upon the subject, seriously believed we would have war with France." He then moved that the House do recede from its amendment.

The chairman of the Committee on Foreign Affairs [Mr. CAMBRELENG] said "he trusted the House would not recede. If no measures were to be taken for the defence of the country, let the Senate take the responsibility."

The question was then taken, and the motion to recede lost. Another message from the Senate announced that that body had adhered to its disagreement; thereupon, the gentleman from New York [Mr. CAMBRELENG] moved that the House do adhere to its amendment.

A gentleman from Virginia [Mr. MERCER] moved that the House recede from its amendment.

A gentleman from Ohio, [Mr. Lytle,] who is now, I believe, surveyor general of the State of Ohio, and appointed by the President since the last session of Congress, rose and "objected to any conciliatory measures on the part of this House. Let it now remain with the Peers to answer for the consequences. He wished to fasten—to nail the responsibility there. He would not have the House abandon the elevated ground which it now occupied. Without an appropriation, the country would be left defenceless; that appropriation the House had tendered, and the country would put its seal of rep-

robation on the pusillanimous act which thwarted the measure."

The gentleman from New York [Mr. CAMBRELENG] said afterwards, and when giving his reasons for not presenting the report from the committee of conference, "that he regretted the loss of the whole fortification bill; but let the responsibility fall where it ought—on the Senate of the United States." This I find in the Globe of the 5th of March.

No gentleman of this House could have heard the remarks which I have quoted, without perceiving that there was a decided and strong determination on the part of many members, and, among others, the gentleman from New York, [Mr. CAMBRELENG,] to suffer the whole bill to be lost, with a view to attach odium to the Senate. It is worthy of particular notice, as illustrative of the peculiar character of the party now in power, that those who were most determined to defeat the whole fortification bill did not see any objection to the loss of it, (though, according to their own declaration at the time, the country would thereby be left defenceless,) provided the Senate could be held responsible. The country was but a secondary consideration; the interest of the party had superior obligations. Although the course insisted upon by the chairman of the committee had been so far successful, and the bill with the amendments was already considered by the House as lost, it was evident that some uneasiness was felt at this result. A gentleman from New Hampshire [Mr. HUBBARD] made two efforts, before he was successful in getting the floor, to move for a committee of conference; and, notwithstanding the obstinacy with which a large majority had but a few moments before voted to adhere to their amendment, the motion for a conference was carried without a division. The Chair appointed the gentleman from New York, [Mr. CAMBRELENG,] the gentleman from New Hampshire who moved for the conference, and a gentleman from Alabama, [Mr. LEWIS,] of the committee of conference. I distinctly remember that there was some delay on the part of the committee in leaving the House, and some symptoms of hesitation and faltering in the looks and manner of that member of the committee who was most relied upon to bring about a favorable result! It is within my personal knowledge that that gentleman was addressed by a member, and told that he had taken a step which was honest and patriotic, though contrary to the wishes and policy of a portion of the House; that it only required courage and energy to carry his object; and that no time was to be lost. It was about this time that it was rumored in the House (or, at all events, I had about this time been informed) that an honorable Senator from Tennessee had voted against the amendment of the House to the fortification bill. This, of course, did not diminish the interest I had before felt upon the subject; yet I have no distinct impression of the particular bill or question upon which the House was engaged at the time the committee returned, or at what hour of the night.

[Mr. CAMBRELENG explained, and said that the committee had left the House only after himself and another member of the committee had voted on the Cumberland road bill. He also expressed some surprise that the gentleman from Tennessee should not know that the committee had to wait in the House until a message could be sent to the Senate, and an answer returned, before they could know whether the Senate would agree to a conference. He also said that the Cumberland road bill was taken up immediately after the committee on the part of the House was appointed, or so soon afterwards that the committee could not have acted before that bill was taken up.]

Mr. BELL resumed. As I have not much confidence in the accuracy of my own memory upon these questions of time, and the order of events, that night, so am I inclined to distrust the memory of others. There was a good deal of business transacted after the appointment of the committee, and before the road bill was acted upon; besides, that bill had to be ordered to a third reading, and then actually read through, before it was put upon its passage; and the committee, in waiting to vote upon that bill, if such was the fact, were guilty of negligence, when so important a measure as the fortification bill depended so much upon despatch. It is not necessary, either, that the committee should have waited for an answer from the Senate; nor, upon such occasions, is that the usual course. The committee, if it had done its whole duty, would have followed the message of the House to the Senate chamber, and have been ready to act, instantly, with any committee which might be appointed by that body. But, sir, I regard these points as of very little importance to the principal inquiry. If the committee had returned to the House when the yeas and nays were being taken on the road bill, it would have been too late, in point of time, to obviate the scruples of those who supposed that the House could not act after the hour of twelve. I cannot say that I was right in my impression, but I am certain that I supposed that hour had arrived before the road bill passed the House. A gentleman from Georgia, [Mr. Gilmer,] who was, in every respect, a most exact, sincere, and conscientious man, in the discharge of his duties as a member of this House, rose in his place, when his name was called to vote upon that bill, and declared that he regarded the constitutional term of that Congress as having expired, and he could not, conscientiously, vote upon any question; and he did not vote. There was no question made as to the true time; and the statement of the gentleman from Georgia was acquiesced in so far that no member rose to correct his statement. I can only say further upon this point, that when the bill was signed by the Speaker, it was done under a confident belief that the hour of twelve had passed; and, when the President approved it, it must have been after that hour. Whether, therefore, the committee retired from the House, or returned to it, when the question was being taken upon the road bill, is wholly immaterial, in every view of the subject. We know that the committee of conference of both Houses agreed to amend the fortification bill by adding $800,000 for the public defences, but that the report was not acted upon in the House, because of the alleged want of a quorum; and for the further reason alleged, that the term of Congress expired at the hour of twelve on the night of the 3d of March, 1835, and that the report was not presented to the House until after that hour. Now, sir, the inquiry is, how it happened that the House found itself without a quorum, at the close of its term, when so many important subjects remained to be acted upon; and who were they that withdrew at such a moment, and what were their motives? All these points I undertake to explain and settle, from circumstances so strong as to satisfy every impartial inquirer. It is fortunate that we have record proof upon this subject; and it is upon such I mainly rely in making good my engagement.

It appears from the journals of that night that one hundred and seventy-four members voted upon the passage of the Cumberland road bill; of that number, eighty-three were, and are now, the political friends and supporters of the Vice President, Mr. Van Buren, for the succession to the presidency. You, sir, [Mr. HAMER, of Ohio,] may know that there were strong reasons for the passage of that bill, besides the ordinary interest which the people of the States north of the Ohio had in the road itself; and it was not safe to be too inquisitive as to the hour of the night, or as to the precise point of time, when the constitutional powers of the House ceased. That bill was to be passed at all hazards. But a few minutes had elapsed, after the passage of the road

bill, when a motion was made to take up the question of Mr. Letcher's pay; and, after some little debate, the previous question was moved; and in ascertaining whether there was a second to the motion, there appeared, on a count, to be one hundred and thirty-five members present; on taking the main question, immediately afterwards, by yeas and nays, only one hundred and thirteen members answered; and so the House appeared to be without a quorum; one hundred and twenty-one members being necessary for that purpose. It thus appears that, in the very short space of time between the vote upon the road bill and the question of Mr. Letcher's pay, sixty-one members had retired from the House, or refused to vote; and twenty-two of the members present, when the previous question was moved on the question of Letcher's pay, absented themselves immediately, or declined voting on the main question, which was put the next moment. On the question of Letcher's pay, only thirty-one members of the party voted; less than the number of the same party which had voted just before upon the road bill, by fifty-two; and so it appears that of the sixty-one members who voted on the road bill, and declined voting on the question of Letcher's pay, fifty-two were members of the dominant party, leaving only nine of the opposition to share the responsibility of depriving the House of a quorum at that important moment. These details I know are tedious and uninteresting, but they are important to the cause of truth, and equally so to the cause of justice between the respective political parties in the country. I cannot be satisfied until I show, by names, who they were—I mean of what party, and what their probable motives—that were the real authors of the miscarriage of the fortification bill. The following gentlemen, members of the last Congress, and all members of the party, voted on the Cumberland road bill, who, from scruples of conscience, or some other reason, retired, or declined to vote upon any other question during the night: *Samuel Beardsley*, Rowland Day, Joel Turrill, R. H. Gillet, N. Halsey, S. G. Hathaway, N. Johnson, C. McVean, Job Pierson, and William Taylor, of New York; *John Galbraith*, J. B. Sutherland, and A. Beaumont, of Pennsylvania; Jeremiah McLene, *R. Mitchell*, W. Patterson, and T. Webster, of Ohio; J. M. Harper, B. M. Bean, and H. Hubbard, of New Hampshire; William Schley, of Georgia; G. P. Osgood, of Massachusetts; A. G. Hawes, of Kentucky; H. Connor, of North Carolina; Ratliff Boon and John Carr, of Indiana; Gorham Parks, of Maine; and J. M. H. Beale, of Virginia.

I give the names, not from any personal disrespect, but that all who know the gentlemen may draw their own conclusions; as all I can vouch for in regard to them is, that, as party men, they are, without exception, good and true; as faithful a band as ever rallied under party chief; but, sir, they must be allowed to be honest, and have scruples of conscience, like other men. But I have another list, which will place this point beyond dispute. The following gentlemen, twenty-two in number, and all of the true faith, who did not vote on the question of Letcher's pay, reappeared afterwards, and actually voted upon one, and much the largest number of them on two motions to adjourn, which were decided upon the yeas and nays, long after the vote upon Letcher's case: Philemon Dickerson, M. T. Hawkins, Benjamin Jones, E. Kavanagh, J. K. Polk, I. B. Van Houten, Joseph B. Anthony, John Chaney, John Cramer, D. Kilgore, T. Lee, E. Lucas, C. Lyon, M. Mason, jr, James Parker, F. O. J. Smith, Jesse Speight, L. Jarvis, W. L. May, W. N. Shinn, J. J. McKay, and E. Howell. These twenty-two members, added to the one hundred and thirteen who voted upon the question of Letcher's pay, make the whole number one hundred and thirty-five, which must have been present, either in the House or within call, at the time the question was taken upon the proposition to pay Letcher, besides those who were present, but declined voting upon any question at all after the road bill passed. Here, then, sir, is proof positive and certain that there was a quorum present at the very point of time when it is affirmed by those who wish to avoid responsibility, and throw the odium of the loss of the fortification bill upon others, that there was not one in the House. It is due to those gentlemen whose names I have taken the liberty to mention to say that they may have acted from very proper motives, and very different from those which I have left to be inferred from the manner in which I have stated the argument.

In order to show the view which the gentleman from New York [Mr. Cambreleng] took of this question, and the distinct ground upon which he placed his own justification, I will read an extract from a letter printed in the Intelligencer of the 9th of March, with his signature.

[Mr. Bell was reading that part of Mr. Cambreleng's letter in which he stated that the committee of conference left the House immediately after it was appointed, and in which he referred to the Cumberland road bill as having been taken up and acted upon in the absence of the committee, when Mr. Cambreleng explained, and asked the gentleman from Tennessee if he had not heard his statement upon this point on a former day? He also referred to the journal, to show that a statement there appeared, made by him on the night of the 3d of March, in which it was alleged that the vote was decided on the question of Letcher's pay when the committee returned to the House, and he was surprised that the gentleman from Tennessee should not know the fact; and if there was any thing wrong in the journal, the Speaker, whose duty it was to see it made up properly, was responsible.]

Mr. Bell resumed. I heard the gentleman's statement on a former day. He then stated that the committee did not retire until he and another member of the committee voted on the road bill; but I still do not regard the statement as decisive of the fact, for the gentleman's own recollection was different a few days after the adjournment. And as to the responsibility to which the gentleman thinks the Speaker ought to be held, I am willing to bear all proper responsibility; but no man who was present can suppose it possible that the Speaker could remember the order of all that was said and done on that most harassing night. As to the statement which appears by the journals to have been made by the gentleman in relation to the time when the committee returned to the House, it proves nothing more than the gentleman's own verbal statement could now do; for it was a matter that did not belong to the journals, and ought not to have been there. But I state again, that I do not regard the question of the time when the committee returned to the House as at all material; I was proceeding to read the letter of the gentleman more with a view to another and distinct point, than to show how little reliance was to be placed upon the recollections of any one as to the precise time at which any particular event transpired. The gentleman further states in his letter, after affirming that the committee returned to the House while the yeas and nays were being called upon Letcher's case, that "a quorum on the question of Letcher's pay not having voted, the Chair could receive no report from any committee." This is the material statement to which I wish to call the attention of the committee. It is true the gentleman did state in his place, on that night, that there was no quorum present, and he gave that as a reason why he had not presented the report of the committee; but, in doing so, he acted gratuitously. In taking notice that no quorum was present, even if it were the fact, he assumed a duty and responsibility wholly unusual and unprecedented in the practice of this House, unless the

member who takes such a course intends to defeat the measure before the House.

[Mr. CAMBRELENG here appealed to the gentleman from Tennessee to say if, after a question was taken by yeas and nays, and no quorum voted, the case would not be different; and whether it was not his duty to notice the fact?]

Mr. BELL resumed. I have just submitted the evidence of the fact, that notwithstanding the vote upon Letcher's pay, there was actually a quorum in the House; and it is difficult, from all the facts of the case, to suppose that the gentleman from New York did not himself know that a quorum was either present, or within call, if he had desired one. But, sir, whether there was a quorum present or not, and although every member may properly take notice of the want of a quorum at any time, and require a count of the House, yet I appeal to the oldest members of the House (and there are gentlemen present who have been members fifteen or twenty years) to say, if they ever knew a single instance in which a member friendly to a measure required a count of the House? We all know that the journals are often read, and other business of importance transacted, without a quorum. Nothing is more common than to receive reports from committees the first half hour after the meeting of the House, without a quorum. It is the duty of the Speaker at all times to see that a quorum is present when important business is transacted; and so it would have been his duty, if the report of the committee of conference had been presented, to see that there was a quorum in the House when it was acted upon. Sir, the Speaker would have taken the responsibility of receiving the report of the committee that night, without a count of the House, because he was satisfied that there was a quorum present, notwithstanding the vote on the question of Letcher's pay; and I repeat, that the course of the gentleman, in taking upon himself the responsibility of asking a count of the House, was gratuitous, and could only be explained or justified by his desire to defeat the measure of which he had charge. Sir, I am the more earnest in pressing this point, because I feel that the Chair was, in some measure, responsible for the loss of the fortification bill, by having placed a gentleman at the head of the committee of conference who had already indicated a disposition to let the bill fall; and it was by the request of the gentleman who made the motion for a committee, and from courtesy to the gentleman from New York, who was at the head of the Committee on Foreign Affairs, that he was appointed chairman of that committee. If a gentleman friendly to the measure had been placed at the head of the committee, it is probable that the bill would have been passed.

I have now done with details on this subject. Besides these, there would be much to satisfy the mind of any man, who had a full view of this hall, and the actors in it, on that extraordinary night, upon the question at issue. Occupying the position I did, it was impossible not to have very decided opinions upon the motives and conduct of the parties concerned. Soon after the passage of the Cumberland road bill, symptoms of a disposition to do no more business, on the part of many members, were apparent. Not long after the return of the committee of conference, the elements of discord greatly increased. It was obvious that the ordinary whippers-in of the party had suddenly become the whippers-out. I saw that a powerful effort was making to prevent any further action of the House upon some measure or other. When the gentleman from New York [Mr. CAMBRELENG] objected that there was no quorum present, I had no further doubt as to the course of the gentleman and his friends upon that measure. I must say, however, that I did not, at that time, indulge in any very uncharitable feelings in relation to the increased efforts of that gentleman and his friends to defeat the fortification bill; for I had heard, either about the time the committee of conference had returned to the House, or shortly afterwards, a rumor that the President had declared that he would not sign any bill which might pass after twelve o'clock; and I supposed it very natural, and not altogether unfair as a party movement, to suffer the bill to fall between the two Houses, rather than throw the whole responsibility of its loss upon the President. It is true that neither then nor since have I heard from any authentic source that the President made any such declaration; but it is also true that I have heard no contradiction of the rumor. If the President had made such a declaration, I knew, and the gentlemen themselves knew, that the President would not be likely to change his mind, whatever were the motives which prompted his course. But, sir, what I do blame in the course of the gentlemen, and for which I think they deserve the censure of the whole country, is, that after they had, as I have conclusively shown, withdrawn themselves from the House, or declined voting upon every question, or otherwise so managed as to deprive the House of a quorum, and thus to defeat the fortification bill, they should, as a party, and through the public press in their interest, join in the clamor, and countenance the charge, that at a time when there was imminent danger of war, the Senate, and particularly an honorable Senator from Tennessee, had defeated the necessary appropriations for the defence of the country. There is no apology, no defence, for such a course. Gentlemen ought to remember that Judge White, especially, was assailed in the most unjust and gross manner. He was even impeached of "treasonable conduct" for his vote upon this question; and he was charged with having prepared, in conjunction with the majority of the Senate, "to play the part of Benedict Arnold, and betray our fortifications to the enemy." This article was copied into the Globe, and the number of that paper containing it was actually sent by the President himself, under his own frank, to every member of the Tennessee Legislature. It is due to the Senate and Judge White to state that they had added, by way of amendment, $450,000 to the bill as it was originally sent to the Senate; and they had also agreed, by their committee of conference, to add $800,000 more; in all $1,250,000, in addition to the original bill, which contained $459,000 only. The House had it in its power, with the consent of the Senate, to appropriate $1,689,000 for the public defences; but the interests of party prevailed over those of the country, and the whole bill was lost.

The defence of those members of the party of the succession who withdrew, or declined voting at all, after the passage of the Cumberland road bill, is put upon the ground of conscientious scruples. This defence is liable to two decisive objections: in the first place, those scruples came upon gentlemen too suddenly, and too late, also, for the hour of twelve had arrived before the Cumberland road bill passed the House; and although some few individuals may justly be supposed to have been seized with sudden scruples of conscience after the vote on the road bill, such visitings, in their natural operation, are never known to operate upon one political party and not upon another. Of the 61 members who voted on the road bill, and refused to vote on the next quesion that was taken up in the House, 52 were supporters of Mr. Van Buren for the presidency. But the defence of the gentlemen is liable to this further objection: they are members of the party which has maintained the ground, during the last twelve months, and which succeeded in imposing their views upon a large portion of the public, that there was just reason to apprehend a war with France at the very time the fortification bill was lost. Now, if there was actually no

danger of war, the loss of that bill was a matter of no serious consequence to the country; and all that has been said to the coutrary has been mere trifling. But if there was really any probable reason to apprehend war at the close of the last session of Congress, then it was just such an emergency as that all constitutional doubts about the power of the House to pass the bill after twelve o'clock at night ought, upon principle as well as the authority of precedent, to have been solved in favor of the power. It is strange that a whole party, which claims exclusive patriotism, should have been paralyzed by doubts at such a crisis. What! when the country was supposed to be upon the eve of a war with a powerful nation—its military defences incomplete, unarmed, and decayed—is it at such a crisis that scruples and doubts about constitutional power to a mere question of hours—not of days, but of hours—are suffered to affect measures essential to the honor, safety, and perhaps the very existence of the Government? It was not so with General Jackson when the public enemy were at the gates, and threatened the safety of a single city of the Union! But what strikes me as most extraordinary is, that the President himself should have had scruples of conscience about the power of Congress to pass laws after twelve o'clock on the 3d of March, 1835; and that he should have resolved to sign no bill that should pass the House after that hour. Sir, if the President did make that declaration, it is conclusive evidence that he regarded the country as in no danger of war. He surely would not have been so regardless of the interests of the country as to desire the loss of the fortification bill for any party advantage which might be expected from it, in carrying on the war against the Senate and Judge White, when the country itself was exposed to the danger of a foreign war. Sir, the President and his advisers had no fears of a war with France at the close of the last session of Congress, nor at any other time. This is manifest from their own conduct. If it had been supposed, at the close of the last session of Congress, that a war with France was a probable event, it was the sworn and sacred duty of the President, under the constitution, to have advised Congress of his apprehensions, and to have recommended immediate measures for the defence of the country. He should have communicated his fears, freely and fully, upon this subject, to Congress; for it is the executive department of Government which has charge of, and is always presumed to be better informed upon such questions than Congress. The communication should have been made to Congress, and not to individual members. Again, sir: it was equally the duty of the President, under the constitution, to have convoked the new Congress at the earliest day possible after the last adjournment, if he really anticipated war with France. If any new cause of war, or any additional reason to apprehend a war with France, was conceived to exist, in the course of the French Chambers in requiring an apology which the President could not give consistently with the honor of the country, Congress ought to have been called immediately on the receipt of the intelligence. It would have been in the power of the President, at any time during the summer and fall of that year, to have repaired the mischief of the loss of the three million appropriation, by calling Congress together, and laying before them the state of the country, and recommending proper measures to meet the crisis. His not having done so is conclusive with me that there was no expectation of war; and the hue and cry raised about the loss of the three million appropriation and fortification bill must be regarded as one of the great number of false pretences and impostures which have been invented by the party for political effect and popular excitement.

There is another subject, Mr. Chairman, which I feel bound to avail myself of, on this occasion, to notice more particularly than I have yet done; it is another one of that series of pretences and impostures which I have so often alluded to: I refer now to the alleged mischief and danger of terminating an election of President by this House. No subject has been more artfully handled, and portrayed in more alarming colors in the South and Southwest, during the last fall and summer, by the partisans and adherents of the Vice President, than this one; none, sir, has produced a more decided effect upon the public mind. It is well known that in those sections of the Union, especially, an election by the House of Representatives was made particularly odious by the representations and denunciations of the election by the House in 1825. It was one of the standing themes of every political declaimer during the last year. The evils of such a catastrophe as another election by the House have been a subject of constant regret and lamentation in the columns of every leading journal in the interest of Mr. Van Buren. I should not be far wrong if I were to say that two thirds of all the honest and sober-minded planters and farmers in the whole South and Southwest, who are disposed to support the nomination of the Baltimore convention, would assign as the reason of their course, if they were asked, their horror of an election by the House of Representatives, and their fears that, by supporting any other candidate, they will only contribute to bring about this result. Knowing the extent of this feeling, the partisans of Mr. Van Buren have in many districts rested his cause entirely upon this point. A French war was described as an infinitely less evil than an election by the House of Representatives. It has been, and is now, asserted by the zealous and interested advocates of the Vice President throughout the country, that an election by the House would be carried by intrigue, bribery, and corruption, and that the voice of the people will be unheeded in the contest. The Government journal printed in this city (the Globe) has of late uniformly represented an election by the House of Representatives as the greatest calamity which could befall the country. I propose now to unveil the course of the party in power upon this subject, and to expose their artifices and insincerity.

It is very well known to those who look beyond the surface, who pay only a due regard to professions, and examine the real motives of human action, as they are exhibited in the course of the present self-styled republican party, that they advocate the propriety and necessity of adhering to the practice of nominating a President and Vice President by caucuses or conventions, not for the purpose of preventing an election by the House of Representatives, but upon the ground that, as they allege, in no other way can a party be kept together, or the power and patronage of the Government be secured to their own members or followers. This is the true motive, and this the true secret, of the extraordinary efforts and influences which have been made and brought to bear on the people of late, in order to give popularity and permanence to the practice of such nominations. To avoid the evils of an election by the House, is the professed object of the party. That has been the great political bugbear which has been held up and paraded through the country, to frighten the people into an acquiescence in the nomination of such a body as the late Baltimore convention. The truth is, that without the benefit of the terrors created by the frightful image of an election by the House, which has been so constantly kept before the eyes of the people, the nomination of the Baltimore convention would have found no countenance. And this, sir, is the solution of the mystery; here lies the secret of the continued and marked neglect with which the repeated recommendation of the President, in relation to such an amendment of the constitution as would hereafter prevent an election of President and Vice President by the House, and secure it to the people, has

been treated by the party. The history of this proposition is remarkable, and highly instructive, as well as curious.

It cannot be forgotten that, from 1825 until the commencement of the present administration, this proposition was a favorite policy of the party which brought General Jackson into power. The whole subject was, during that period, ably and fully discussed, both in Congress and in the public journals. When General Jackson was elected by the people, no one doubted but that one of the first acts which would distinguish the action of Congress would be, to recommend such an amendment to the States, for their adoption. General Jackson, in his first message, urged the subject upon the attention of Congress in the strongest and most persuasive language. In his second, and in each succeeding annual message, he has done the same thing. Regarding the discussion of the subject as having commenced in 1825, it is now upwards of ten years since it has been before the country in the most imposing form—in the annual messages of the President. The arguments and language of the message upon this subject are worthy of particular notice, and I must ask leave to refer to them. [Here Mr. BELL read several passages from the message of the President upon this subject, all of which went to show how important it was, in the opinion of the President, that such an amendment of the constitution should be made.] Well, sir, what has been the result—the effect of these repeated and urgent recommendations? In the early part of the administration, many earnest and well-meant efforts were made to get this House to take up and act upon this subject. Propositions in a variety of shapes were presented; and it has been a part of the regular forms of the House, at the beginning of every session, to appoint a select committee upon this subject; but, sir, the truth cannot be disguised or disputed, that those efforts were the efforts of individuals only; that the regular annual appointment of special committees has been but a mere form; and at no time could the party be rallied in favor of the proposition. There was always somewhere, and from some motive, a power and an influence which thwarted the action of the House upon this question.

Soon after the opening of the last session of Congress, this subject began to excite increased interest, and certainly demanded prompt attention from those who seriously and honestly believed an election by the House of Representatives ought to be avoided. It was then, sir, that it became manifest that the Jackson party would be divided upon the subject of his successor; and an honorable Senator from Tennessee was brought to the notice of the country as a candidate for the presidency, and supported under such circumstances and upon principles which forbade the hope that his friends would surrender his pretensions to the man who it was foreseen would be the favorite of the contemplated Baltimore convention. This was a conjuncture to test the principles of the party upon this subject. The danger of a division in the ranks of the party in power was manifest. That an election by the House would be a result of this state of things could not certainly be foreseen; but all must have seen that such a result might take place. As early as the 10th of December, 1834, a select committee was appointed to consider of and report upon this subject. Special care was taken to appoint a clear majority upon the committee who were known to have avowed themselves favorable to an amendment of the constitution which would exclude the election from the House. The following gentlemen composed the committee: Messrs. Gilmer, Archer, Binney, *Beardsley*, Gorham, *Johnson* of Kentucky, *Speight*, *Hubbard*, and *Carr*. Five of these gentlemen are the known supporters of General Jackson, and of Mr. Van Buren as his successor; and all were understood, when the committee was appointed, to be in favor of the recommendation of the President which it was their exclusive and special duty to consider and report upon. The chairman of the committee, (Mr. Gilmer, of Georgia,) though not a supporter of the administration, was known to be a gentleman of great sincerity, talents, and energy; and he was also known to be a zealous advocate of the proposition submitted to the committee. I have a personal knowledge that unusual efforts were made by the chairman of the committee, and by various other individuals, to prevail upon the committee to agree upon some report at an early day of the session, that it might be before the House and acted upon before the close of the session. The friends of Judge White, especially, fearing the use which would be made against him of the argument that, by dividing the party, the election might be brought into the House, exerted themselves in every fair and honorable way to procure a decision upon the question by Congress. Several of the members of this committee, who had always avowed themselves in favor of the measure, were privately appealed to; but all was vain. The answer was, they could not agree upon the details of the measure—no two, it was said, could agree. Now, sir, every member of the least experience in legislation knows that, upon any important question whatever, involving details, two men can rarely be found to agree upon all of them. It is notorious that no committee of this House would ever report upon any subject of importance, if a majority of its members were expected to unite upon all the details of it. All that can be expected in such cases is, that a majority shall agree upon the principle of the report. The House is always expected to alter the details, according to the views of the majority. It was no adequate excuse to say they could not agree upon details. I will not be so unjust as to say that all the members of the committee who had before that time professed a desire to see the constitution amended in this respect wilfully combined to prevent any action upon the subject last session. Of a committee of nine members, and six only of them being friendly to the principle of a measure, any two of the six were able to defeat any action upon the subject. A report from the committee, I feel warranted, from the circumstances, in asserting, was defeated by the management of some portion of the members of it who were, at the same time, avowed advocates of the expediency of such an amendment of the constitution.

The farther history of this question is this: Mr. Gilmer, the chairman of the committee, failing in all his efforts to get the committee to make a report in any shape, came into the House on the 31st of January, and asked that the committee might be discharged from the further consideration of the subject, on the ground that they could come to no agreement thereupon; and, on the same day, he was permitted to lay a resolution, containing a proposition for an amendment of the constitution in relation to the election of President and Vice President, upon the table. I well remember that, at first, one of the prominent members of the committee, and who was also a prominent member of the dominant party, refused to give his consent that Mr. Gilmer should even lay his resolution upon the table; but he became ashamed of his conduct, and withdrew his opposition. Thus the subject was before the House; and it was at any time in the power of the majority to take it up and decide upon it. On the 13th of February, Mr. Gilmer, finding that it would not do to postpone the subject any longer, without losing sight of it altogether during the session, moved to suspend the rules of the House, in order to proceed to the consideration of his resolution. Against this motion there were only fifty-six votes; and, of these, thirty-seven were the known supporters of Mr. Van Buren for the presidency, or, in other words, of a

nomination by a convention; and fifteen of these thirty-seven were members of the New York delegation. The resolution was that day taken up and read a second time, and postponed to the 19th of the month; but it was superseded by other business until the 25th of February, when Mr. Wilde, of Georgia, moved that all the orders of the day be postponed, for the purpose of considering this subject. Upon this motion there were 112 yeas, and 92 nays; of the latter, 49 were supporters of Mr. Van Buren, and 24 of them members of the New York delegation. The subject that day underwent considerable discussion, but the House came to no decision upon it. On the 27th February, Mr. Gilmer again moved that his resolution be taken up; and, on taking the question, the vote stood, yeas 99, nays 104; of the nays, 60 were for Mr. Van Buren, and 24 of them from New York. On the same day, however, at a later hour, Mr. Gilmer's resolution came up in the regular order of business; when a motion was made to dispose of it finally by laying it on the table. In favor of this motion there were only 38 votes; and 30 of them were the friends of Mr. Van Buren, and 13 of that number from New York. After further debate upon the resolution, a motion was made by Mr. Vanderpoel, of New York, that the House adjourn—evidently with a view to evade the question upon the resolution. Upon this motion the votes stood, yeas 59, nays 112; of the yeas, 49 were for Mr. Van Buren, and 20 of them from New York. The subject was further debated, but no decision was arrived at. Now, sir, upon a view of all these circumstances, can there remain the shadow of a doubt that this question was wilfully and designedly evaded at the last session by the very party which now professes to hold an election by the House in such utter abhorrence? The neglect of Congress to act upon this subject, prior to the last session, might admit of some apology; there were so many exciting and important questions of another kind continually arising to absorb the chief attention of Congress; and, besides, there had been no prospect of an election by the House until the commencement of last session. But there is no justification for the course of the party at the last session upon this subject. It is but too clear that the party in favor of Mr. Van Buren for the succession determined to have the full benefit of the fears which existed in the country of an election by the House, in compelling a submission to the decrees of the Baltimore convention; else why was it that not the slightest notice was taken, by that vigilant guardian of every thing that concerns the party, (the Globe,) of the question presented by Mr. Gilmer's resolution, when it was under discussion? Not one paragraph was penned, during the sitting of Congress, upon the importance of amending the constitution so as to prevent an election of the President by the House of Representatives. Why, sir, was not the committee which had charge of this subject rated for their negligence and omission in not reporting upon the subject submitted to them? Why were not the usual denunciations uttered, through that organ, against those members of the party who voted, in every instance, to prevent the consideration of, and to defeat altogether, the resolution of Mr. Gilmer? Sir, a large portion of the party upon that question showed that they were opposed to a measure which General Jackson had earnestly urged upon Congress in every annual message since he came into office. Why were they not pointed out and denounced as anti-Jackson? There can be but one answer to this question: it was no offence to any one to oppose that proposition at the last session. That this question was designed to be blinked, was manifest to me, from the course of particular members—a course which I could account for upon no other ground. When Mr. Gilmer's resolution was under discussion, at one time there appeared to be a serious determination on the part of the House to carry it. My colleague, [Mr. Polk,] who is now the presiding officer of this House, and who cannot be charged with a disposition to thwart the views of those in power, made a speech, which was evidently intended to put an end to the further consideration of the subject at that session. He complained that the time was too short to give the subject that examination which its importance demanded. He thought he had, with the slight attention he had given the resolution, detected an error; and there might be many more. He dwelt emphatically upon the importance of not permitting the resolution to go from the House in an improper shape, "for then it would be gone forever!" When he concluded, a gentleman who sat by him rose to move that the resolution be laid on the table; but the Chair gave the floor to another member. Now, sir, further delay and further time to examine into the details of the resolution could only be had by dropping the question until another Congress. That was evident to all. But, Mr. Chairman, the party are not only answerable for the failure of the proposition at the last session, but they are responsible for its failure at the only time which has arisen within the last ten years, or which will probably arise within the next ten, when a fair prospect existed of succeeding in it. Such was the anxiety of the members of the opposition that this plea of the danger of an election by the House should be taken away from the party known to be in favor of Mr. Van Buren, in sustaining the contemplated nomination of that gentleman by a convention at Baltimore, that many of them, who had always before that time been opposed to such an amendment of the constitution as was proposed, were willing then to see it adopted. It will be found that more than fifty members of the opposition voted to sustain Mr. Gilmer's resolution; and there cannot be a doubt that, if the party in power had not deserted their own principles upon this occasion, the proposition would have been carried by the requisite majority. We have seen the same question treated with the same neglect, so far, at the present session. According to custom, we have a select committee upon the subject; but half the session is passed by, and we have no report from it. But I am free to say, sir, that I regard the course of the committee, at this session, of but little consequence. If we were now to adopt a proposition for amending the constitution in relation to the election of President and Vice President, it can hardly be calculated that the Legislatures of three fourths of the States could be got to act upon the question in time to operate upon the next presidential election. There might have been some prospect of a favorable result, if the committee had reported at the beginning of the session; but it is now too late to hope for success to any such measure. There are too many interests still combined to defeat it.

I am too much exhausted, Mr. Chairman, to pursue this, or any other subject, any further at present. I have omitted to notice several subjects which I originally intended to remark upon. I cannot ask the further indulgence of the committee. I feel that I am already under great obligations to the members of it. But I cannot sit down without referring again to my own position, and the difficult task laid before me, of opposing the present course and policy of those whom I once supported. I have already stated to what extent I held myself bound to support this administration, and I have briefly sketched the reasons why I feel myself bound to oppose a set of measures, and a system of party action, adopted with a view, not of upholding the present administration, but of securing the future to particular aspirants. But, in doing this, I desire to say, in this place, that I depart from no one principle which I have heretofore supported; nor do I mean to change my principles until I see some better reason for doing

so than the mere desire to be in a majority. Sir, I beg leave to speak with some assurance upon this point; and I defy my opponents, upon the strictest scrutiny, to point out any departure from my former principles. I know, sir, that, in former years, many incidental, and often frivolous questions arose in this House which came to be decided by a party vote, and upon which I voted with those with whom I usually acted. But, whatever may have been the error of such votes, they will appear to have involved no important principle, in any material degree. Still, sir, there were some questions upon which I always differed with, and always voted against, the present administration, as gentlemen will find by proper inquiry.

It is fortunate for me, perhaps, that, in regard to some of the most important questions upon which I separated myself from these who are now in the majority in this House, there are living witnesses, who enjoy a respectable, not to say a high rank in the party, and who were once members of this House, to the fact that, at the very commencement of the present administration, I declared that I would feel myself bound to separate from the party then and now in power, the moment either one or both of two principles, or rather practices, should be made a test of party fidelity or adherence. The one was, that all elections are to be decided, so far as regards the vote of the party, by caucus nominations; and the other, and perhaps the more important one, was that a difference of political opinion should be a sufficient ground upon which to change the subordinate officers of the Government. I protested against this principle the second or third day after the first inauguration of the President. Sir, I have done.

THURSDAY, MARCH 17.

CONTESTED ELECTION.

The House resumed the consideration of the contested election from North Carolina.

Two motions were pending. The first in order was that of Mr. MANN, of New York, making the report of the Committee of Elections the special order of the day for Wednesday next; and the second proposition was that of Mr. HARD, to recommit the report, with instructions to allow further time to the sitting member for taking additional testimony.

Mr. NEWLAND, (the petitioner,) having permission to appear in his own behalf, addressed the House: As he had before stated, he was but a plain cultivator of the soil, and made no pretentions to high learning; therefore, if he transgressed the rules of order, he hoped it would not be imputed to any other motive than the proper one. He wished merely to lay the plain, simple state of facts before the House. From the statements which had been made in that House, the inference was to be drawn that the petitioner had endeavored to take advantage of the sitting member. He denied any such charge, and merely wished to call the attention of gentlemen to the facts. It had been said by the sitting member that the petitioner had occupied nearly all the time for taking testimony, so that he (the sitting member) had not an opportunity of getting his testimony. Now, Mr. N. had to remark that the election was held in August, and on the 20th of that month, when the polls were compared, he had addressed many of his friends, in the presence of his honorable opponent, and had stated his intention to contest his election, if it was the wish of the people that he should do so. On the 4th Monday of September the court met in Burke county, and at that time his honorable opponent was aware of the petitioner's intention to contest his right to his seat, and he might have been engaged in taking testimony throughout the counties at the courts which followed, if he had been so disposed. The sitting member attended all these courts, where he might have been employed in the collection of evidence.

Mr. N. said he served notice on his opponent at the September court. How, then, could the petitioner have been receiving evidence without the knowledge of the sitting member. The petitioner's object was, in taking the course of going to the different county courts, to give the sitting member an opportunity of obtaining testimony. If gentlemen would only take the trouble to look at the documents, they would see which was entitled to the most credit. Mr. N. stated several places in his district at which he had taken evidence, and where the evidence was cross-examined, either by the sitting member or his agents. He wished to call the attention of the House to another fact, that, on the second of November, he (the petitioner) had notified his opponent of his intention to take testimony at Morgantown on the 30th of that month, and at Flatrock on the 26th of the same month; but after that notice had been served, the sitting member had notified the petitioner of his intention to take testimony on those same days at other places. The petitioner had also been notified to attend examinations in places two hundred miles apart on the same day. If gentlemen will examine the notices, they will find that, so far from the petitioner throwing obstacles in the way of taking testimony, it was the sitting member who threw the obstacles in the way of the petitioner. He remarked that the notices were in conformity with the laws of North Carolina. When the subject was before the committee, the petitioner had expressed his readiness to trust his fate to the testimony then in his possession. After the committee had examined the testimony, they were informed that they would be heard by the committee. Mr. N. recollected, he said he was content with the testimony then in their possession. He recollected a motion was made in the committee, that the testimony be submitted to them, that they might make out an abstract. He fell to work, to make out his abstract; but although the sitting member was there, and had the evidence in his possession, he declined making out any. When the committee next met, he (the petitioner) submitted his abstract, but there had not one word been said about further time, until they had examined the documents. He did not wish to detain the House, but he wished to correct a statement which had been made there. It had been stated that, in the case of Taliaferro and Hungerford, there was more time than in the present for taking depositions. It had been stated that the parties then commenced taking depositions in September, but it had been carefully kept out of view that Congress met at that time a month earlier than they do now. Congress then met in November; so that the time allowed in the present case was longer than the time then allowed. He had again to state to the House that he had no sinister motive to bring him there, but that he came, as he conceived, by the will of a majority of the freemen of his district, not to maintain his own rights alone, but to maintain the rights of his constituents. He wished, in all due deference to the House, to state that their forefathers, in the adoption of the constitution, had said that each House shall be the judge of their own elections, evidently intending that they were the guardians of the rights of the people. Therefore, if he was rightfully entitled to the seat, he ought to have it; and all he asked was stern justice.

Mr. HOWARD said that, as both the candidates for membership had now addressed the House, it seemed as if the argument was closed, and the judicial functions of the House about to commence. The question under consideration was one of time, as the sitting member had requested a postponement of the final trial until he could

have an opportunity of collecting further testimony. When called upon to vote upon this prayer, Mr. H. said that he found it sustained by many considerations of great weight. The sitting member alleged that he could not proceed with justice to himself, and a respectable minority of the committee had recommended that the indulgence should be granted. He had looked into the case so far, and so far only, as to enable himself to give a correct vote upon the question of time, and regretted to say that he could not grant it. For a vote, apparently so unkind and harsh, he begged leave to assign his reasons, which, if not well founded, could be shown to be so, and he would cheerfully change his vote. It seemed to him, that if the testimony was in an imperfect state, it was the fault of the sitting member that it was so; and if he should lose his seat, in consequence of this imperfection, the result must be attributed to the error of judgment into which the sitting member had fallen, respecting his duty to his district and to the House. In order to bring the point distinctly up, he would request the Clerk to read the passages which he had marked, in the report of the Committee of Elections.

[The Clerk accordingly read two extracts, showing that the sitting member and minority of the committee were of opinion that the evidence was left imperfect, from the necessity of his attending to his duty at Washington, at the opening of Congress.]

Mr. H. said that he wholly dissented from the opinion just read. It seemed to him that one of the first duties of the House, after its organization, was to inspect the validity of the titles of those who presented themselves as members, in order to settle all conflicting claims which might arise; and this duty was in its nature preliminary to the performance of all other duties. The nation at large had a right to require that those only who had been legally elected should sit and vote upon matters of deep public interest, which were often decided by a single vote. If this were true, it became the duty of every member to increase the facilities of the House for the decision of conflicting claims, with as much promptness as justice would admit. The collection of testimony was therefore in the direct discharge of the first duty which the sitting member owed to the House, and he erred in judgment when he abandoned the field in the midst of the investigation, trusting the prosecution of the inquiry to friends or agents who had omitted to fulfil it. The personal superintendence of the sitting member ought to have been given to the scrutiny, because there was no duty which he could have been called upon to perform in Washington of such urgency as the investigation of his own title to a seat. The consequence of the error was, that now, in the middle of March, the House was called upon to postpone its final inquiry into the case, in order that the sitting member might either leave his seat and repair to his district to obtain additional testimony, or again trust those agents who had already disappointed him. Mr. H. said that he meant no disrespect to the sitting member; but it was one of those cases where a public man must construe his duty for himself, and abide by the consequences if he judged erroneously.

If he had moved into his building before examining whether its foundations were secure, and it should tumble upon him, the misfortune could be attributed only to the hasty zeal with which he had taken possession. Had it been his own case, Mr. H. said, he would not have left his adversary in possession of the field, but remained as long as the combat went on. It was the case of two generals who had fought a battle, in which one appeared to be worsted; but the victor had gone too soon into winter quarters. His opponent had continued the contest, and captured post after post; and now this House, a neutral party, is asked to interpose and obtain a postponement of further operations, until the field can again be taken and the lost ground recovered. Justice to the parties, to the people of the district, and to the nation, forbade it. It was now the middle of March, and if the defective state of the evidence was owing to the error of the sitting member, what was the condition of the petitioner? For three months and a half, he had prosecuted his claim; and if the friends of the sitting member had consulted together to devise a plan by which most effectually to baffle the petitioner, none could have been adopted more likely to succeed, than to procrastinate the inquiry during the whole winter, and in the spring obtain a further grant of time. But he again said that he imputed nothing of the kind to the sitting member or his friends, who were no doubt convinced of the justice of his cause, and disposed to uphold it by the fairest proceedings. He compared the House to passengers in a stage coach, for a journey of thirty miles, empowered to decide upon the rights to seats. One of these being claimed, the petitioner was told to run along for ten miles, and then the case would be decided; but at the end of that time, he is told that the passengers have been talking about other things, and he must continue his pursuit for ten miles more; when, two thirds of the journey being over, he shall be allowed to come in, if his right shall be confirmed.

Mr. H. said he had thus presented, as briefly as possible, his reasons for declining to grant further time, but was willing to take up the case upon the evidence before the House, which he would examine without prejudice.

Mr. GRAHAM said, it must be borne in mind by the House that at each time he had addressed them, it was a matter of sheer duty to himself. It had been said by the petitioner that he had given notice at the comparing of the polls of his intention to contest the election. Mr. G. knew that the petitioner had made such a statement, but it had been made to an assembly of persons, and not to him personally, and it was impossible for him to say whether he intended to do so or not from that assertion. The petitioner had also stated that he had given notice that he would take testimony on days which had already been set apart for that purpose. Mr. G. asked how he was to take testimony in any other way, when the petitioner had every day appropriated to himself? With regard to what had fallen from the gentleman from Maryland, [Mr. Howard,] he had only to say that, whatever might be his notion, Mr. G. was bound to conform to the opinion of his constituents, and however much he might respect that gentleman's opinions, still he respected the opinions of his constituents more. Mr. G. then read letters from three of the persons which he had appointed agents to take testimony and cross-examine witnesses, stating that, for various reasons, they had not been enabled to perform that duty.

Mr. Newland, in reply, remarked that if he were disposed to pursue the same course adopted by the sitting member, he could have produced a large number of letters of the same tenor; but he had resolved to abide by the usual action of that House and the laws of the State of North Carolina. This observation applied equally to additional depositions, which had been tendered to him, but he had refrained from availing himself of them, for the same reason.

Mr. BOYD adverted to a few facts in the report of the committee, showing that full and sufficient notices had in all cases been given to the sitting member, and that any complaint on that ground would have come with far more propriety or reason from the petitioner than his opponent. The former had not only served the latter with notices in due time, but with even more time than the strict requisition of the laws of North Carolina required. Mr. B. also entered into a statement of sundry facts which occurred in the Committee of Elections.

Mr. MAURY explained that he had distinctly recollected, at one meeting of the committee, at which all the members were not present, that a majority of those present deemed the notice insufficient, and that the sitting member ought to be allowed more time.

Mr. BOYD had not charged any one with misrepresentation; but where so many meetings were held, it was natural to expect a discrepancy of recollection. The sitting member had not made the application in time, and the committee had passed on the sufficiency of the notices before they entered on the testimony. His recollection varied from that of the gentleman from Tennessee.

Mr. MAURY said the protest of the sitting member had been overruled, and he was not apprized of it in time. He called upon the honorable chairman of the committee to state what his recollection was on this point.

Mr. CLAIBORNE could not undertake to relate every thing that occurred in the committee, but he would say he was not in the habit of communicating any thing to either of the parties, unless under instructions of the committee. He did communicate to Mr. GRAHAM the action on his protest. He recollected, also, a meeting of the committee, at which a majority of those present were of opinion the notices were sufficient; that they contained a sufficient indication of an intent to dispute the election, and a sufficient indication of an intention to take depositions.

Mr. WISE here called for the orders of the day, but the motion was negatived.

Mr. BOYD again proceeded, and said he had a most distinct recollection that the committee did not act on the preliminary question till the middle of January.

Mr. HARD next obtained the floor, but gave way to Mr. MAURY, who desired to explain. The gentleman from Kentucky [Mr. BOYD] had remarked that he was borne out in the statements which he had made by the recollections of several members of the committee. He (Mr. M.) was satisfied that the facts which he had submitted were substantially set forth in the report which was signed by four members of the minority. He repeated that his recollection was distinct, that on the 15th of January the chairman was instructed to notify Mr. GRAHAM that his protest had been overruled; and, in point of fact, no decision was made before the day to which he had referred. Several days previous to that time he had been asked by the sitting member if they had come to any decision upon his protest; and he informed him that they had not, but were waiting for a full meeting of the committee.

Mr. HARD again addressed the House, and contended that the notices given to the sitting member by Mr. Newland were informal and insufficient, both as to time and substance. He urged the propriety of granting further time to the sitting member to take testimony essential to his defence, and to a correct decision of the case, and entered into a particular description of the notices, to show not only their insufficiency, but that their general character was so indefinite and vague as to preclude the sitting member from the opportunity of taking all the testimony which he deemed necessary.

Before Mr. H. concluded his remarks, the hour arrived for proceeding with the consideration of the special order.

Mr. BOYD moved to suspend the rule, for the purpose of proceeding with the consideration of the contested election.

Mr. GALBRAITH called for the yeas and nays; which were ordered, and were as follows:

YEAS—Messrs. Adams, Anthony, Ash, Barton, Beale, Bean, Beardsley, Beaumont, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Brown, Burns, Bynum, Carr, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Efner, Fairfield, Farlin, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Graham, Grantland, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, B. Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lyon, A. Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Parker, Parks, Patterson, F. Pierce, Dutee J. Pearce, Phelps, Pinckney, John Reynolds, Roane, Robertson, Schenck, Augustine H. Shepperd, Shinn, Sickles, Smith, Sutherland, Thomas, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks—125.

NAYS—Messrs. Chilton Allan, Heman Allen, Bailey, Bell, Bond, Briggs, John Calhoon, W. B. Calhoun, Cambreleng, Campbell, Carter, George Chambers, J. Chambers, Childs, Clark, Corwin, Crane, Cushing, Darlington, Denny, Dunlap, Evans, Everett, Forester, Philo C. Fuller, Granger, Graves, Grennell, H. Hall, Harlan, Harper Hazeltine, Hiester, Hoar, Howell, Huntsman, Ingersoll, Janes, H. Johnson, Lawler, Lawrence, Lay, Luke Lea, Lincoln, S. Mason, Maury, McKennan, Mercer, Milligan, Morris, Peyton, Phillips, Pickens, Reed, Rencher, Russell, W. B. Shepard, Shields, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, White, Whittlesey, Sherrod Williams, Wise—72.

So the House refused to suspend the rules.

NAVAL SERVICE BILL.

On motion of Mr. CAMBRELENG, the House, pursuant to the special order of the 26 h January, then resolved itself into a Committee of the Whole on the state of the Union, Mr. HAMER in the chair, and resumed the consideration of the bill making appropriations for the naval service of the United States for the year 1836.

The question being on the motion of Mr. BELL to strike out the following clause:

"For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, sixty-seven thousand dollars."

Mr. HAWES moved to postpone all the rules of the House, for the purpose of introducing a motion to rescind the order of the House making the appropriation bills the special order for each day, excepting Friday and Saturday, after one o'clock; and on that motion he asked for the yeas and nays; which were refused.

The motion was then rejected.

Mr. BELL resumed, and continued his argument, as given entire in preceding pages; when, without concluding, Mr. B. gave way for a motion that the committee rise; which was carried, and the House adjourned.

FRIDAY, MARCH 18.

CONTESTED ELECTION.

The House resumed the consideration of the report of the Committee of Elections relative to the North Carolina contested election.

Two motions were pending. The first in order was that of Mr. MANN, of New York, making the report of the Committee of Elections the special order of the day for Wednesday next; and the second proposition was that of Mr. HARD, to recommit the report, with instruc-

tions to allow further time to the sitting member for taking additional testimony.

Mr. HARD continued, at considerable length, the remarks which he commenced yesterday. He wished to call the attention of the House to some of the facts which ought to induce them to grant further time to the sitting member to take testimony. In the first place, the notice given to the sitting member was not sufficient, either as to length of time or as to form, and the sitting member had scarcely any of the time allowed him for taking evidence, after notice was given, because the petitioner occupied nearly the whole of it himself. That fact alone ought to induce the House to grant further time. As he was one of the minority of the committee, who had recommended further time to be given the sitting member, he felt called upon to show the reasons which had led them to that conclusion. The gentleman from Maryland, [Mr. Howard,] who addressed the House yesterday, had stated it as his opinion that it was the paramount duty of the sitting member to have remained in his district, and that he should not have left it, even to attend to a duty which was deemed paramount by the committee to every other. Mr. H. did not agree with the honorable gentleman. He considered it the duty of the sitting member to have attended at the meeting of Congress, if for no other purpose than to maintain his right to his seat there. The same remark might apply to the petitioner. The petitioner had thought proper to be there himself, to attend to his own trial in *propria persona*. Well, if it became a matter of so much importance that the petitioner had remained there at his own expense, was it not of importance that the sitting member should be there also for the purpose of explaining, and being heard before the committee in his own defence? The opinion of the gentleman from Maryland could not have proceeded from due reflection in the case. The question for the House to decide presented itself in one simple undivided point, which was this: has the sitting member had sufficient time for the collection of his evidence? He would appeal to the good sense of the House, whether the great extent of the district and the short time allowed, not more than thirty days for the collection of testimony, and that time employed almost exclusively by the petitioner, should not induce them to grant the sitting member further time, to allow him to take his defensive evidence. He then recurred to some of the occurrences in committee on the subject.

The 15th of December last was the first day on which the Committee of Elections met and were organized; at least it was the first day that the parties had an opportunity of having their claims considered. The committee found a mass of testimony before them, and they permitted the petitioner to be heard by counsel, so that he had all his points laid clearly before the committee. When the counsel had closed his remarks, the sitting member rose and offered his protest, protesting against receiving the evidence, and offered reasons for rejecting it, which were considered sound reasons by a portion of the committee; and the committee were then unwilling to decide, because they might be liable to decide wrong. At the next meeting of the committee, the member of the committee from North Carolina was absent. It was found that the committee were divided in opinion as to the legality of the testimony. It was proposed that they should postpone the consideration of the case until the member from North Carolina returned; but as there was a great deal on the hands of the committee, it was agreed that they should go on examining the testimony, and not come to a decision of the matter until the gentleman from North Carolina returned. Unfortunately, however, for the committee, at that time, the gentleman from Pennsylvania [Mr. Buchanan] was taken sick, and they continued still to examine the evidence in the case. At a subsequent day, however, a vote was taken, and it was found that a majority of the committee present overruled the receiving of the protest; but the report would show that the decision was not made until the 14th day of January.

Mr. BOYD said he had stated, on the first day that the preliminary question was before the House, what he again intended to state; which was, that the sitting member had offered a protest, wishing to set aside the whole of the testimony; and that the only vote which was taken was the vote which overruled that protest; and that was among the first acts of the committee in investigating that case.

Mr. HARD resumed, and again stated that the first decision of the committee was made known to the sitting member on the 14th day of January. He contended that the sitting member was not bound to take any action in the matter until that decision was made known to him. Soon after the 14th day of January the sitting member applied for further time, which was as soon as he was bound to do so. In reply to what had been said about the sitting member applying to the House for further time, he had only to remark that that would not have been the parliamentary course, and he had no doubt it would have been objected to. But supposing he had presented a petition to the House, the usual course would be to refer it to the committee that had charge of the subject; and it would have gone back to the committee, there to sleep. He would only ask, in reply to the charge of unnecessary and oppressive delay, on whom was the charge to rest? The committee were ready to act at any time; and on whom the fault was to fall he would leave gentlemen to answer.

Mr. MAURY did not rise for the purpose of making a speech, but for the purpose of making a statement to the House; and he called upon the gentleman from Kentucky to admit or deny the correctness of it; because it was proper that this matter should be truly presented to the House. About the middle of December the protest of the sitting member was presented to the committee. At that time there were seven members of the committee present, out of nine; the vote was taken, and of the seven members, four were of opinion that the protest ought to be overruled; and there were three of opinion that it ought to be sustained; so that four was a minority of nine. It was then suggested, as two members were absent, and as the majority of the whole number of the committee had not concurred in overruling the protest, that the matter might lie over; and a full session of the committee did not take place until the middle of January. At that time it appeared that the protest was overruled, and no sooner; and at that time the chairman of the committee informed the sitting member that his protest was overruled. He knew the fact was not made known formally to the sitting member, and he believed it had not been made known informally at an earlier day.

Mr. RENCHER said, notwithstanding the apparent impatience of the House to bring this discussion to a close, I cannot permit the question to be taken without submitting, as briefly as I can, the views which I take of a subject so important to a portion of the people of my State. A sense of public duty compels me to throw myself upon the indulgence of the House. Anxious as I am that this question should be decided speedily, I am still more anxious that it should be decided correctly; and I can assure the House that I do not intend to trouble them with any argument or any authority which I do not consider pertinent, and essential to a correct understanding and decision of the questions now under consideration. Some gentlemen seem to consider this subject as involving the rights of the two gentlemen only who are now contending for a seat upon this floor; but I

think it a question of higher magnitude. It is one which involves the constitutional rights of the people of the twelfth congressional district of the State of North Carolina. And what are those rights? Can any gentleman tell me what are the constitutional qualifications of a voter in the State of North Carolina? Has the committee informed the House what provision the constitution and laws of North Carolina have made to secure the purity of her elections? Have we been put in possession of the information necessary to enable us to decide this question upon principle? We have not. The report of the majority has said not one word about it. It is as silent as the grave. The committee have not condescended to give us the principles upon which they have decided this case. I am, therefore, surprised and astonished to see the anxiety with which some gentlemen wish to precipitate this House into a decision of this question. Are we to take the report of the committee upon faith, and eject the sitting member; or are we to go to the law and the testimony, and examine for ourselves? I repeat the question, can any gentleman tell me, from reading this report, the principles upon which the committee have decided this case? And if this House cannot solve this insolvable riddle, how will it be possible for those who come after us?

The constitution of North Carolina has fixed the qualifications of a voter for the lower branch of her Legislature, and, consequently, for a member to Congress, the qualifications in each being the same. What this constitution is, the majority of the committee, in their report, have not even hinted at, while the minority have entirely misconceived, and misstated it. Here it is: "that all freemen of the age of twenty-one years, who have been inhabitants of any one county within the State twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the House of Commons for the county in which he resides."

To enable a man to vote for a member of Congress, he must have complied strictly with the requirements of the constitution. He must be twenty-one years of age, have paid a public tax, must vote in the county in which he resides, and have been an inhabitant of that county twelve months immediately preceding the day of election. It is not sufficient that he has been an inhabitant of the State twelve months immediately preceding the day of election, but he must have been an inhabitant of the county where he votes. Suppose a man to have been all his lifetime an inhabitant of the county of Burke, and six months before the election he moves into the county of Buncombe, can he vote in the county of Buncombe? He has lived in Buncombe only six months, and his residence in Burke, whatever it might have been, was not immediately preceding the day of election, and, to make the constitutional period, you must add his residence in Buncombe to his residence in Burke; and that would be any thing else than a residence in any one county twelve months immediately preceding the day of election.

This construction, which requires a residence in the county twelve months immediately preceding the day of election, is not only the letter of the constitution, which cannot be departed from, but it is the spirit and intent of the framers of the constitution. They did not intend that any should vote for the county, but such as had a fixed residence for twelve months, so as to enable the judges to know them and their qualifications; and for the same reason it does not allow a voter, even in the same congressional district, to vote out of his own county, because the judges of that county are supposed to know him and his qualifications best. But while the committee have acted upon this plain letter of the constitution in one instance, and have rejected, and properly rejected, from the poll of the sitting member all votes given out of the county where the voter resided, though they were residents of the district; yet by some strange process of reasoning they have received and counted for the petitioner votes given by persons who had not resided in the county twelve months immediately preceding the day of election. I leave it to others to reconcile such strange inconsistency.

If it were necessary to adduce authorities to support the construction for which I contend, I have one at hand, as strong as authority can be. That is the case of Kelly and Harriss, which came here from Tennessee, and the question depended upon a single vote. The voter had resided in the county in which he voted only three months immediately before the election. The language of the constitution of Tennessee is, "every freeman, being an inhabitant of any one county in the State six months immediately preceding the election, shall be entitled to vote for members of the General Assembly, for the county in which he shall reside." It will be seen that this language is the same with that of our constitution, except that six months only is required instead of twelve; and the House decided that the constitution restricts him to the county wherein he has been an inhabitant six months immediately preceding the day of election, and permits him to vote nowhere else; and such must be the decision of this House upon the constitution of North Carolina. He must reside twelve months in the county where he votes immediately before the election, and he can vote in no other.

Mr. Speaker, having shown that the committee have entirely misconceived and misstated the constitutional qualifications of a voter in North Carolina, and that, therefore, this report should be recommitted to the committee, that these defects may be supplied and corrected, I come now to the application of the sitting member for further time to complete his testimony. To me this application appears reasonable, and ought to be granted. What is the principle upon which the petitioner expects to obtain a seat upon this floor? It is by rejecting votes given to the sitting member, not because they were not qualified to vote in the twelfth congressional district, but because they did not vote in the particular county in which they resided, supposing they had a right to vote any where in the congressional district. It is known and proven to be a common though a mistaken opinion, prevailing not only in the twelfth congressional district, but to a greater or less degree throughout the State. These honest men supposed that, being qualified voters in any county of the district, substantially, it made no difference where they might cast their votes, provided they voted within the district; because the member thus elected to Congress would be the member for the whole district, and not for any particular county. It is not wonderful, therefore, that the farmers of the country should have fallen into this mistake. It is in evidence that the petitioner's brothers fell into a similar error; and the petitioner himself, though for many years a member of the State Legislature, and twice a candidate for Congress, fell into the same mistake; for he voted for Congress out of the county in which he resided.

[The SPEAKER here suggested to Mr. RENCHER that he was going too much into the merits of this question, which would not be in order at this stage of the proceedings.]

Mr. RENCHER said his object was to show that the petitioner did not rely upon the substantial merits of his claim, but took advantage of a mere form as to the place of voting; and that, where a party took advantage of such an objection, this House ought to grant every reasonable indulgence to the sitting member, and to the people of the twelfth congressional district, to bring

before the House the true merits of this case, which he presumed to be in order.

The SPEAKER. That will be in order: proceed.

Who, Mr. Speaker, these two men voted for does not appear, and is left altogether to inference. The petitioner asks of us to strike from the poll of the sitting member all such votes as were given to him by persons qualified to vote in the district, but who voted through mistake, like himself, out of the county in which they resided.

I regret that I am compelled to disfranchise these honest but mistaken voters; but the petitioner has demanded it, and the constitution is imperative. But I would ask the House if, under these circumstances, when the petitioner asks for a seat upon grounds strictly technical, and upon principles which he himself had violated in the election, if we ought or can refuse further time to the sitting member, to show that he is still clearly entitled to the seat, notwithstanding such objections?

But there is another point of view in which this subject cannot fail to strike the attention of the House. Notwithstanding the narrow and illiberal ground taken by the petitioner, the committee and the House have extended to him extraordinary indulgence. Of this I do not complain. No one shall go farther than I will to extend indulgence to every one who seeks in his own person to secure the rights and privileges of the people; but this indulgence loses the noble character of justice, unless it be extended to all alike. Through all the stages of this controversy before the Committee of Elections, the petitioner has had the benefit of able and experienced counsel; a thing that is unprecedented; and though the report of the committee would induce us to believe that the arguments before that committee were made by the petitioner himself, it is not the fact; for it is known that they were made by the district attorney, a most skilful and ingenious lawyer, while the claim of the sitting member has had no other aid than what his daily duties in this House would enable him to bestow upon it. This is not all. A majority of the committee who attended the committee-room, heard the arguments and examined the facts, have at all times been in favor of the sitting member.

They could at any time, if they had chose to do so, have granted the request now made to the House, or they could at once have reported in favor of the sitting member. They did not choose to do so, but allowed, what is expressly forbidden by parliamentary law, all these questions to be decided by members confined to their sick chambers, who could not attend the committee-room, who did not hear the arguments or examine the facts. Recently the petitioner asked permission to appear upon this floor in proper person, pending the discussion of these preliminary questions. The request was at once granted, and had my support. And now, when the sitting member asks only for a few weeks to take testimony which he had not time to take before leaving home, that the whole truth may be heard, can the House refuse the application? If this reasonable application should be refused, the country will have good cause to inquire why the House has made fish of one and flesh of another.

[Here, the morning hour having expired, the House proceeded to the orders of the day.]

On the following day,

Mr. RENCHER again rose: Before I proceed (said he) with the argument which I commenced yesterday, and in which I was interrupted by the expiration of the hour allotted for such discussions, I beg leave to remark upon the extraordinary annunciation made by my honorable colleague, [Mr. BYNUM.] Upon resuming my seat on yesterday, my colleague rose in his place and announced, in the most formal and emphatic manner, that he should on Tuesday next call the previous question, and cut off this debate. I could not but feel a little surprised and astonished, not only at this very extraordinary annunciation, but especially so at the particular quarter from whence it came. My colleague, it is well known, has addressed the House oftener and consumed more time upon this subject than all his other colleagues together. Of this I do not complain; he has doubtless felt it his duty to do so; but when another gentleman feels it equally his duty to address the House, that he should throw out a threat that the House was to be gagged, and the freedom of debate suppressed, is a matter of profound astonishment and mortification. And this, too, upon a subject involving the constitutional rights of the State from which we come, and that which the people there hold as dear to them as life itself—the freedom, independence, and purity of the ballot-box. But my colleague, by way of justification, repeated the trite sentiment of another, "that he would demand nothing but what was right, and would submit to nothing wrong," which means, I suppose, being interpreted, that he would not demand to speak more than half a dozen times himself, and would not submit that another should speak at all! I hope we shall hear nothing more of this previous question from that quarter at least.

In the remarks I shall submit to-day, my only object is justice and truth, and in their pursuit I intend to be, as I feel, perfectly respectful to the petitioner, perfectly respectful to the majority of the committee, whose report I shall examine with much freedom, and strictly observant of the rules of order, so far as I understand them. In the remarks which I submitted on yesterday, my object was to show, and I trust I succeeded, that the report of the committee was so defective that it was impossible for this House, and much less so for any future Congress, to say upon what principles the committee have decided this case against the sitting member; and that, so far as their views had come to light, they had entirely misconceived and misstated the constitutional provisions of the State from which this contested election comes.

My object to-day will be to show that this report is still more defective in matters of fact; and that, from beginning to end, it is a misstatement and a misrepresentation of the truth, as it appears in evidence. But before I commence this important part of the discussion, I must invite the attention of the House to the argument which I commenced on yesterday, upon the application of the sitting member for further time to take testimony. In the remarks which I submitted, I was endeavoring to show that the petitioner had placed his claims to a seat upon a mere matter of form, and such as was entirely technical; and that if he obtained a seat at all, it would be by striking from the poll of the sitting member such votes as were given by good qualified voters, but who, through mistake, voted, as he himself did, out of their proper county. I declared my intention to strike off these votes; and that, however unwilling I might be thus to disfranchise these honest voters, the constitution was imperative, and under my oath I had no alternative. Whether it is fair and generous, in the petitioner, to wish thus to obtain a seat, is a consideration for himself and the people of the twelfth congressional district, a majority of whom he claims to represent. But as the petitioner thus takes advantage of a mere matter of form, it is but reasonable that the same strict legal rules should be applied to him. Let us therefore inquire whether the notice given by the petitioner was a reasonable and lawful one. I do not intend to inquire whether this notice, from its vagueness and uncertainty, is absolutely void. That would not at present be in order, under the rules of the House; but it is in order to show that these notices are so vague and uncertain that the sitting mem-

ber could not know the specific grounds of objection, and could not therefore collect testimony until the petitioner had commenced, which was not until the 29th October, about one month before the meeting of Congress. The election took place early in August, and it is not until the 2d day of October that the sitting member receives notice that his seat was to be contested. And what was this notice? Why, "that illegal votes had been given to him, while legal votes offered for petitioner had been rejected, at different precincts in the district." Now, I would ask the House if any thing can be more vague? If he had said, take notice, I intend to oust you from Congress, would it have been more vague and uncertain than it is? Illegal votes given at the different precincts! How illegal? by whom given? and at what precinct? And as to the legal votes illegally rejected, who were they? where offered? and by whom proven? All these questions present points which should have been specified in the notice, so as to enable the sitting member to know the grounds of objection and collect evidence.

They are questions, the answers to which the petitioner must have known. He had spent two months in searching out these facts, and yet he studiously conceals them in his notice. This House has determined, again and again, that notice shall be given with reasonable certainty, so as to enable the sitting member to know the particular grounds on which his election is contested. In the case of Easton and Scott, this House resolved "that the names of persons objected to for want of sufficient qualifications ought to be set forth prior to the taking of testimony." Will any gentleman contend that the time allowed the sitting member, under such a vague notice as this, was sufficient to enable him to hunt up and take testimony, and at the same time to attend to the notices of his opponent, in the largest congressional district perhaps in the Union, embracing six large counties, and extending two hundred miles in length and nearly a hundred in breadth? In North Carolina, in a contested election for the Legislature, thirty days' previous notice is necessary in a single county. This is considered but reasonable notice for a single county; how, then, can sixty days be considered reasonable notice for six counties, even if the notice had been such a one as it ought to have been? I beg gentlemen to consider of the difficulty of collecting testimony in a State where the election is by ballot, as in North Carolina. I would address this argument particularly to gentlemen coming from States where they vote *viva voce*.

In Virginia and Kentucky, for instance, the name of the voter is recorded, and opposite his name is found the candidate for whom he voted; while in North Carolina, where they vote by ballot, you must ascertain that by inquiry in the neighborhood of every precinct election. Can any gentleman say that two months is sufficient time to make those inquiries, and take the testimony at the "different precincts" in this immense district, especially under a notice so vague and undefined? What has been the course pursued by the petitioner? The election took place in August, but he does not pretend to give notice till October; and does not commence taking testimony, so as to enable the sitting member to know upon what grounds he relied, till about a single month before the meeting of Congress. Why the petitioner should thus delay for nearly three months, and then suddenly spring upon his antagonist, I will not say; but this much I will say, that if he had formed a plan to take advantage of the sittting member, he could not have formed a more artful and perfect one. Will the House thus permit injustice to be done, not merely to the individual member, but to the people of the twelfth congressional district? Ought they not rather to say, let the whole truth be heard fully, impartially, and fairly?

I beg leave now, Mr. Speaker, to examine some authorities which have been brought in review in the course of this debate. The gentleman from New York [Mr. VANDERPOEL] has relied with confidence upon the case of Taliaferro and Hungerford, for refusing the present application. I have examined that case; and, so far from its being opposed to the present application, it sanctions it. That case came here from Virginia, where they vote *viva voce*. The election took place in April; Hungerford obtained the certificate of the sheriffs; Taliaferro immediately gave him notice that he should contest his seat, and in that notice specified particularly the grounds of objection; the votes that were to be disqualified, and even the names of the witnesses by whom such disqualification was to be proven. Hungerford disregarded this notice altogether, and took no testimony whatever.

But notwithstanding the gross and criminal neglect of Hungerford, the Committee of Elections agreed to grant further time. I beg leave to read from that report, to show that the patriotic men of that day did not view contested elections as the gentleman from Maryland [Mr. HOWARD] has done, a mere scuffle between individuals for place. "The committee are aware," says the report, "that some inconvenience may arise to the petitioner, if this contest is laid over for any time; but they think the right of suffrage ought not to be hazarded or destroyed on account of any individual inconvenience. If there has not been gross neglect in the sitting member, the committee conceive that it is due to the electors of the district, who polled for him, and to himself, not to hurry his case to a decision, without giving them and him an opportunity to make good the election if they can do it." The House overruled this report by a small majority, because, as is evident, Hungerford had been guilty of the grossest neglect. There is no such neglect in this case; but, on the contrary, there is positive proof that all that could be done has been done by the sitting member, considering the shortness and vagueness of the notice and the extent of his district.

But I have a more recent authority, in which this House granted to the parties further time to take testimony, in a case not half so strong as the one now under consideration. It is one of high authority, because it had the approbation of the gentleman from New York, [Mr. VANDERPOEL,] who was a member of the Committee of Elections. I allude to the case of Moore and Letcher. In that case the election was *viva voce*. It took place in August; both parties commenced taking testimony immediately, in a congressional district not so large as the twelfth congressional district of North Carolina; they continued to take testimony up to the meeting of Congress, and yet the House granted them further time to complete their testimony. A stronger authority than this cannot be found. Both parties had consumed four months, and yet both wished further time. The House did not think the application unreasonable; the gentleman from New York did not then think it unreasonable, for he voted for it, both in the committee and in the House, though he now thinks the application of the sitting member most unreasonable. It is no answer to this argument to say that, in the case referred to, both parties applied for further time. It only shows, what I have been contending for, that, with all possible industry, neither party believed his testimony complete, although they had double the time allowed the sitting member, and in a congressional district not near so large.

With these two cases staring us in the face, and many others that might be mentioned, it must be a matter of surprise and regret that the committee, in their report now under consideration, should declare in the most broad and unqualified terms that no precedent could be found, in which an application similar to the present had been granted, either by the Committee of Elections

or by the House. If, therefore, reason and argument is to prevail; if precedent and authority are entitled to any weight; if equal and evenhanded justice is to be administered to all alike; if we wish that the truth should be heard, and the twelfth congressional district should speak her own voice, and not the voice of a party in this House, then we will not, and cannot, refuse to grant further time, that the whole truth may be heard.

I must here, Mr. Speaker, take occasion to protest against the gratuitous inference, made the other day by the gentleman from Maryland, [Mr. HOWARD,] that this application had been made after the battle had been fought and lost by the sitting member. This application was made in January last, before the evidence was examined, and before the sitting member could know how the committee would report. He did not then believe, he does not now believe, that this battle will be lost if justice shall be done; but he feels it his duty, a duty he owes to himself as well as to the people he represents, to put this question beyond all cavil, so that the most miserable tool of party shall not doubt. I have examined this case upon the evidence before me, carefully and impartially, and I must say that if ever there was a case in which injustice has been done, if there ever was a case in which the right of the sitting member to his seat was clear, it is this; and yet I am for giving further time, because it is desired. I wish to hear all that can be said, that the whole truth may appear. Are gentlemen afraid of the light? Is the petitioner afraid that the whole truth should be heard? If not, then let us give further time, and not hasten this important question to a premature decision.

Mr. Speaker, the most unpleasant task remains to be performed. I am constrained, from a sense of public duty, to examine further into the errors and misrepresentation of this extraordinary report, whose like I hope we shall never see again. I beg the gentleman from Kentucky [Mr. BOYD] to believe that it is in no unkind spirit towards him that I speak thus freely of his labors. I heard the honorable gentleman a few days ago disclaim all party feelings, and avow the honesty of purpose by which he had been governed. The gentleman spoke with earnestness, and I felt, at the time, that he spoke conscientiously; but I could not but deeply regret that, in the review and self-examination of which he spoke, he had not detected the gross errors by which he has done great injustice to the sitting member, and irreparable injury to the State from which I come. Let me, therefore, invite the honorable member to the review which I propose to make of this public document.

At the Franklin precinct, in Macon county, five or six votes were found in the Commons box for Newland, and taken from that box, and placed to his poll for Congress, although it made five votes more than the number of freemen who had voted at that election. The committee allow these five votes, and, as a reason for allowing them, the report says: "Robert Hall, one of the judges, states that it is customary to correct such mistakes. There is no positive proof to show how many ballots were thus exchanged, nor who they were all for. Killian says there were five or six for Newland, and perhaps some for Graham—he does not recollect. It is left quite uncertain whether there was not some for the sitting member!" Sir, in this short sentence there are not less than three misstatements of facts. For the truth of this, I beg to read the testimony of Robert Hall and James W. Killian. Here it is. Robert Hall's testimony: "The judges, upon consultation, agreed to exchange the votes, and the exchange was made, but I do not recollect the number. I know that it has been the custom for men who lived in the district to vote in whatever county in the district where they may be at the election." James W. Killian's testimony: "I was present at the close of the business of counting our tickets. There were several tickets, five or six, for Congress, in the Commons box, and the same number for the candidates for the Senate and Commons in the Congress box. These were exchanged. All the tickets taken from the Commons box, for candidates for Congress, were given for Newland. If there were any for Graham, I do not recollect it. There may have been some, but I do not know of any."

The committee say that Robert Hall swears it was customary to make such exchange; but Robert Hall swears no such thing. He swears that it was customary for men living in the district to vote any where in the district; but, notwithstanding this custom, the committee have rejected such votes, and, as I have heretofore shown, properly rejected them. The committee say that there was no positive proof to show how many ballots were thus exchanged; but Killian swears that there were five or six. The committee say that it was left quite uncertain whether there were not some for the sitting member; perhaps, say they, there were some for Graham. But what says Killian. Let him speak for himself. "All the tickets," says he, "were for Newland; if there were any for Graham I do not recollect; there may have been some, but I do not know of any." And this positive, unequivocal testimony, the committee construe to mean "perhaps—quite uncertain!" Can the House adopt in this report this undeniable falsehood? Can they construe the clearest and most positive denial to mean "perhaps?" But the committee have not only stated that which is not true, but they have not stated what they ought to have known to be the fact. At the Franklin precinct there were 445 names recorded as having voted for Congress. There were 450 votes returned—five votes more than were polled. Can any one doubt that these five votes were the very same that were improperly taken from the Commons box, and counted for Newland? And yet, in the face of this positive testimony, the committee have allowed these five votes for Newland. Will the House sanction such a fraud upon the purity of the ballot-box? Such votes heretofore have never been allowed.

Will the House, for the sake of ejecting the sitting member, establish so dangerous a precedent, by which a fraudulent voter will be enabled to cast as many votes for Congress as there are ballot-boxes? But I do not at this time intend to go into this subject. My only object at present is to show that this report is defective, and ought to be recommitted. Let the committee re-examine and correct the many errors and misrepresentations with which it abounds, and then, and not until then, shall we be able to give an enlightened judgment, so as to do justice to the sitting member, and the people of the twelfth congressional district.

But though the committee have stricken from the poll of the sitting member all votes given for him by persons living out of the county in which they voted, they have not deducted from the poll of the petitioner either his own vote, or that of his two brothers, though proven to have voted out of the county in which they reside. They say there is no positive proof how either of these men voted; but who can doubt how they voted, having left their own county to electioneer for their brother. But there is a case in which the proof is clear and positive; and yet the committee have refused to strike off such votes from the poll of the petitioner. I allude to the three votes given for Newland at the Henderson precinct, in the county of Buncombe. It is proven by the certificate of the judges at the Henderson precinct, as well as by the poll-books themselves, that these three votes were given for Newland, by persons living in the county of Yancy. The judges at Ashville, upon comparing the polls, properly struck these votes from the poll of the petitioner. The House will perceive,

that if the judges at Ashville had not stricken off these three votes, the committee, to be consistent, must have done it. But what have they done? Strange to tell, the committee have restored these three votes, and have counted them for the petitioner! Can the House sanction such glaring inconsistency, such palpable injustice to the sitting member, as well as to the people of the twelfth congressional district? If such should be the case, and I have reason to fear it may be, let not this proceeding any longer be disguised under the name of a contested election, but let it be called what it is—an expulsion of the sitting member, to place in his seat another, whose political opinions may be more easily changed and moulded to suit the dominant party in this House.

I come now, Mr. Speaker, to another class of votes allowed the petitioner by the committee, which were never given in at the polls. Yes, votes which never were voted have been counted for him. To his poll the committee have added five votes, which they say "were legally offered for him, and illegally refused." How legally offered the committee do not state, nor is there any proof that these votes were legally tendered.

[Mr. HAMER, of Ohio, here rose to a point of order. He understood there were two motions before the House: one to fix a day for the consideration of the report, and the other, a motion to recommit the report to the committee, with leave to the parties to take further testimony. His question of order was this: whether, upon a motion to recommit to a committee, it was in order to discuss the proposition whether the committee had correctly stated the facts already laid before them, or drawn proper deductions from those facts.

Mr. HARDIN, of Kentucky, stated that there was nothing stronger in favor of recommitting the report to the committee, than to show that the committee had misstated both the law and the facts on this subject.

The SPEAKER stated that to discuss the merits of the main question upon this contested election would not be in order at this stage of the proceeding. He had, however, not arrested the gentleman's remarks, because others had gone somewhat into the merits of the question, and the Chair now found some difficulty in restraining the gentleman from North Carolina. The debate had taken a wide range; but he hoped the gentleman would confine himself to remarks that would be in order.]

Mr. RENCHER stated that he well knew his remarks would not be very acceptable to the gentleman from Ohio, but while he would go as far as the rules of order would allow, he did not intend to transgress those rules if he knew it. But could it be out of order, when urging the recommitment of this report, to show that the committee have misconceived the law and misstated the facts in this case? He did not charge the committee with any design to misrepresent, but he wished to show that the committee had been misled themselves, and that their report, unless corrected, must mislead this House, in a matter of vital importance to the freemen of the twelfth congressional district of North Carolina.

Mr. R. continued. The report says that five votes had been legally offered, and illegally refused. How legally offered? The law of North Carolina has prescribed the mode by which a vote shall be legally offered. In that State, when a vote is objected to, the voter is required by law to swear "that he is qualified to vote under the constitution, and that he hath not voted before at such election." We are to presume that the sworn officers of the law did their duty, unless the contrary appear. Is there any evidence here that these judges did not do their duty, or that these voters offered to qualify, as the law directs? Not the slightest particle; and although the report asserts that these votes were legally offered, the assertion is made without any evidence to justify it, and without giving to the House the law of North Carolina, by which a voter is required, if his vote be objected to, to swear both to his qualification and that he has not voted before at such election. The judges have a right to require, and do require, this oath of every voter whose vote is objected to; and if he refuse to qualify, he loses his elective franchise, and has no right to vote. However competent such a voter may be, he loses his right by refusing to comply with the requisitions of the law. But there is no evidence that these five votes, which the committee say were legally offered and illegally refused, were qualified votes; but, on the contrary, there is positive proof that three of these voters were not qualified to vote, and therefore properly refused.

We have the deposition of three of these men, and they swear that neither of them had resided in the county twelve months before the election, which I have shown is indispensable to enable a freeman to vote under the constitution of North Carolina. The committee assert that these votes were legally offered and illegally refused; while there is no proof that they were legally offered, and positive proof that they were legally and properly refused. And how are the other two votes proven to have been legal votes? Not by the oath of the voters themselves, but by the ex parte affidavit of a near relative of the petitioner. And will the House give more weight to such an affidavit than to the solemn judgment of judges appointed by law, and acting under the solemnity of an oath? Is the House prepared, upon such an affidavit, to say that these votes were legally offered and illegally refused by the judges? The committee say that these five voters were qualified to vote, and therefore illegally refused, while the judges decided, under oath, that they were not qualified, and refused their votes. When we look into the proof, three of them swear to facts which show they were not qualified; while the only evidence you have of the qualification of the other two is the ex parte evidence of a near relative of the petitioner.

I have dwelt upon this point to show that these votes were properly rejected, and that the committee have asserted, without any proof to justify it, that they were legally offered and illegally refused. At a proper time, when such a discussion will be in order, I shall be able to show, from the highest authority, that this House cannot count, for either candidate, votes which were refused by the judges at the polls. The most that we can do is to set aside an election, when it shall appear that the judges have been guilty of fraud, in refusing such a number of good votes as would have changed the result of the election. In this case no such fraud is pretended. The judges not only acted honestly, but the proof is clear that they decided properly.

Mr. Speaker, I have done with this report. I regret that my duty has compelled me to say thus much of it. Many other points of objection I have left unnoticed; for, from beginning to end, this whole document is nothing but a tissue of misstatements and misrepresentations, not intentional, I admit, but which are well calculated to mislead the public mind. It doubtless has and will mislead many honest voters in the twelfth congressional district, into which I am told a large number, obtained from our public printer, was sent many days before it was laid upon our tables. But here, with the law and the facts before us, I am determined it shall mislead no one, unless he be willingly misled. I trust, therefore, that this whole subject will be recommitted to the committee, that we may have such a report as will enable us to decide this controversy correctly and impartially. The gentleman from Kentucky [Mr. BOYD] appears impatient to hurry this House into a premature decision of this case. He declares that we can decide it in a single

hour. Though it has cost him and the committee between two and three months of assiduous labor to enable him to decide it, he thinks this House ought to decide in one hour! Let me tell the gentleman that, although there may be some who are willing to take the gentleman's report upon faith, and eject the sitting member without even an hour's examination, yet there are others, and I hope a large majority of this House, who wish to examine this large volume of evidence for themselves, and who wish to decide this case upon the eternal principles of truth and justice, and not under the influence of party dictation. I regret that the gentleman from New York [Mr. VANDERPOEL] should have announced his determination not to give us time to examine this subject. He, too, can decide it in a single hour. Let me remind the gentleman of his own experience upon contested elections. At the last Congress the gentleman was a member of the Committee of Elections, and examined the case of Moore and Letcher for six months. He came to a clear conclusion in favor of Moore, and so reported. But the House, upon examination of the evidence, decided that Letcher had a majority of the legal votes. Suddenly the gentleman became bewildered, his intellect was benighted, and he then declared, for his life, he could not tell which was entitled to the seat, and therefore voted to send it back to the people! The gentleman's own experience should make him a little more distrustful of his ability to decide contested elections. Then, after six months' examination, he reversed his own decision, and decided that he could not decide; but now he can decide a question equally complicated in one hour! What, let me ask, has so whetted the gentleman's mental faculties? What has made this child of doubt and of darkness on yesterday, to-day an intellectual giant? But though he has so increased in intellectual strength, and can now decide this case in a single hour, yet I trust he will show some indulgence towards others, who have not been so fortunate, and give them time to examine and decide for themselves.

Mr. Speaker, in the course of this debate frequent allusion has been made to party, and the politics of the two gentlemen. For the sitting member I have great personal respect. The able and independent manner in which he has discharged his public duties, and his correct and amiable deportment in private life, must have secured him the respect and esteem of all who know him. But, upon this subject, I feel that I am acting under the obligations of an oath, and I am determined to know no party except my country, and to yield to no feeling except truth and justice. But why should I cherish any party feeling? I trust I have no cause to do so. Both these gentlemen, when before the people, held the same political sentiments I do upon the all-absorbing question that now agitates this country from one extreme to the other. They both avowed their preference for Judge White for the next presidency. They both hoisted his flag, which has been truly said to be a flag without a stain. I hope neither of them has pulled down that flag, and abandoned the principles he held before the people. It is true, I have heard the petitioner has deserted that flag, and given in his adhesion to Van Buren; but I do not know the fact to be so. I hope it is not so, and that the gentleman will contradict a report so unfavorable to his political integrity. Anxious and ambitious as he may be to obtain a seat on this floor, (and it is worthy of ambition,) I hope he will never consent to do so by bartering away his own political principles, and the political rights of a free, independent, and generous people. The Van Buren party, who now constitute a majority in this House, must be anxious to obtain the casting vote from North Carolina, should the election of President come to the House of Representatives; but I am unwilling to believe any party in this country so base as to buy up political power, by violating the sacred rights of the ballot-box, and placing upon this floor a political apostate, whom the people have not sent here by their votes. But if, hereafter, the melancholy conviction should be forced upon my mind that such is the fact, and that the people of the twelfth congressional district have thus been betrayed, I shall not hesitate to proclaim and denounce such bargain and bribery freely and fearlessly, and in such terms as corruption deserves. The people will rise in their majesty, and avenge their violated rights. But be that as it may, the path of duty to me is plain; I must decide this controversy according to law and testimony, and I am determined to do so impartially, conscientiously, and without regard to party dictation. I was not drifted here upon the waves of party. I have the satisfaction to believe that I came here from the confidence which my constituents repose in my devotion to the constitution and laws of my country, and the rights and interests of the people. I shall endeavor to do nothing, either on this or any other occasion, to impair that kind and indulgent opinion.

Before Mr. RENCHER had concluded his remarks, the whole of which are given above,

Mr. WHITTLESEY called for the orders of the day.

Mr. CAMBRELENG moved to suspend the rules for this day, for the purpose of proceeding with the consideration of the subject then pending; and intimated, at the same time, that if it was not disposed of to-day, he should renew a similar motion to-morrow.

Mr. MANN, of New York, asked for the yeas and nays; which were ordered; and the vote was: Yeas 111, nays 70:

YEAS—Messrs. Adams, Anthony, Ash, Barton, Bean, Beardsley, Beaumont, Boon, Bovee, Boyd, Brown, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapin, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cushman, Davis, Dickerson, Dickson, Doubleday, Dromgoole, Efner, Fairfield, French, William K. Fuller, Gillet, Glascock, Graham, Grantland, Haley, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Thomas Lee, Leonard, Logan, Loyall, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Roane, Robertson, Rogers, Schenck, Augustine H. Shepperd, Shinn, Sickles, Smith, Sutherland, Thomas, Waddy Thompson, Toucey, Turner, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, Weeks—111.

NAYS—Messrs Chilton Allan, Heman Allen, Bailey, Banks, Beale, Bond, Bouldin, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Childs, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Dunlap, Evans, Everett, Forester, Philo C. Fuller, James Garland, Granger, Graves, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Hiester, Hoar, Howell, Huntsman, Ingersoll, Janes, Henry Johnson, Lawrence, Lay, Luke Lea, Lincoln, Love, Samson Mason, McCarty, McComas, McKennan, Mercer, Milligan, Morris, Phillips, Pickens, Reed, Rencher, Russell, William B. Shepard, Shields, Standefer, Steele, Storer, Taliaferro, Underwood, Whittlesey, Sherrod Williams, Wise—70.

So the House refused to suspend the rules.

Mr. BYNUM inquired of the Chair, what would be the effect of the motion for the previous question?

The CHAIR replied, that the subject had passed from before the House that day, by the vote just taken.

Mr. BYNUM then gave notice, promising that he asked for nothing but what was right, and was not disposed to submit to what was wrong, that he should move the previous question.

The House then proceeded to the orders of the day.

ALFORD AND BRUSH.

The House resumed the consideration of the joint resolution for the relief of Benedict Alford and Robert Brush.

[The resolution was presented under the following circumstances: At the first session of the 23d Congress, a bill passed the House of Representatives, granting pensions to Benedict Alford and Robert Brush, soldiers of the revolutionary war. By the journals of the Senate, it appears that this bill was indefinitely postponed in that body, and the House of Representatives was so notified; and it is also so entered in the journal of the House. The postponement of the bill in the Senate, in the hurry of business at the last hour of the session, was inadvertently overlooked by the enrolling clerk, as well as by the Committee on Enrolled Bills in the House, and it was enrolled and signed by the officers of the two Houses, and presented to, and approved by, the President. A few days after the adjournment of Congress, the error was discovered in the Clerk's office of the House of Representatives, and notice of the fact was immediately given to the War Department. The Secretary of War thereupon declined complying with the provisions of the bill, under the conviction that it was not a valid statute. At the last session of Congress, the President communicated the fact to the Senate by message. No action in the case was, however, had in either House at the last session. At the present session Benedict Alford again presented his petition, which was referred to the Committee on Revolutionary Pensions. The committee reported that, in its opinion, the act was a valid one, and that no further legislation was necessary to give a pension to the petitioner, which, in their opinion, the Secretary of War was bound to pay him. A member of the committee, differing from the majority, after the report was made, moved the resolution directing the Secretary of War to execute the act, which had passed in the manner herein stated; and the discussion on a former day, and on the present occasion, was mainly whether or not the bill of the first session of the 23d Congress was, under the circumstances above stated, a valid act.]

The motion pending was that of Mr. VINTON, to refer the joint resolution to the Committee on the Judiciary, with instructions to report whether the act mentioned in the resolution was a law of the land or not.

Mr. WHITTLESEY expressed the hope that the instructions would be withdrawn, and the resolution referred to the Committee on the Judiciary, without further debate.

Mr. WISE made a few remarks in opposition to the validity of the act; when

Mr. WHITTLESEY moved to postpone the subject to Friday next; but withdrew the motion at the request of

Mr. INGERSOLL, who offered a substitute for the motion of Mr. VINTON, directing the Committee on the Judiciary to report a bill, if they should deem it proper, for the relief of the persons mentioned in the resolution.

After some remarks by Messrs. INGERSOLL and DICKERSON,

Mr. WHITTLESEY renewed the motion to postpone the whole subject until Friday next, but subsequently withdrew it.

The discussion was further continued by Messrs. TOUCEY, INGERSOLL, ROBERTSON, MERCER, LANE, JUDSON, and CRAIG.

Mr. McKEON remarked that, aware as he was that a large portion of the public time had been given to this question, he would ask the attention of the House but for a very few moments. He was satisfied that it was due to themselves, as well as those whom they represented, that they should theorize less. It was time to produce results of a practical character. Day after day was consumed in trifles, and it was time to pause in the career the House had been pursuing. The question growing out of the claims of the petitioners was, to his mind, as simple as any one could be; as plain a proposition as ever was submitted to a legislative body. It appeared that, by some inadvertence, a bill granting pensions to these revolutionary soldiers had received all the necessary certificates of the officers of the two branches of Congress, and had all the appearance of a law, without ever having been adopted by the Senate. The President of the United States has sent his message to the House, stating that the bill never received the sanction of the Senate. This fact, sir, said Mr. McK., appears from the journal of that Senate, showing that the bill was indefinitely postponed. It was evident that no action had taken place upon it in that body—that action so necessary to pass it into a law. It was admitted on every side of that House, that a measure, to have the effect of law, must be sanctioned by both branches of Congress. If there was a doubt as to the amount of evidence necessary to prove the adoption by either branch, he (Mr. McK.) insisted that the House ought to lean in favor of that position which tended to keep the power in the legislative branches. That was the doctrine of the Executive; of that Executive so frequently charged with a desire to dispense with the Senate; and which Executive was now found sending his message here, stating that, as the Senate had not sanctioned the bill, the law had not been executed. He (Mr. McK.) had heard gentlemen on that floor insist that the Executive officer ought not to look behind the certificates of the passage of the law; that those certificates were sufficient authority for them. The Executive deserved, for his vigilance and scrutiny into the facts of the case, the approbation of every man who voted to see the proper exercise of the powers of each branch of the Government. The constitution insists that the assent of both branches shall be given to a bill. What has been the case here? We find the bill adopted by the House, and, so far as the House is concerned, bearing every evidence of its being approved by this branch. We follow the bill to the Senate, and find upon the journal that it was postponed indefinitely. We find evidence of its not having passed that body. One member insists that we shall go further; he tells us that the officers whose duty it is to execute the law ought not to examine beyond the signatures which are affixed to the bill. Sir, said Mr. McK., I go as far as the truth goes, so far as the fact appears from the journal that it is not a law with the approval of the Senate. It was, undoubtedly, on the same principle the Secretary of War refused to put the law into execution. The opposite doctrine would undoubtedly throw the power out of the hands of this House; frauds might be committed; the public treasure squandered. In this case, in the hurry of business, a mistake has occurred, and it is our business not to waste time on nice distinctions, but to remedy the defect at once. Before taking my seat, allow me to refer to a point which, though not strictly relevant, yet has been made during the discussion this morning.

The gentleman from Virginia [Mr. WISE] has taken occasion, in the course of his remarks, to say that this question is a fine commentary on the new-fashioned doctrine of expunging. I know that this expunging is not popular with many; but, sir, so far as the novelty is concerned, let me inform the gentleman from Virginia that we have a precedent already upon the journals of an American Congress—upon the journal of the Senate of

the United States. The case can be found in the journal of the Senate of the year 1806. I read from the journal. Here is the resolution, with this same objectionable word, *expunge*. I produce it to show what was done in the days of Thomas Jefferson—what was the practice during the administration of one of Virginia's noblest children.

"Monday, 5 o'clock, P. M., April 21, 1806.

"On motion—That every thing in the journal relative to the memorials of S. G. Ogden and Wm. S. Smith, be *expunged* therefrom,

"It passed in the affirmative—yeas 13, nays 8.

"The yeas and nays having been required by one fifth of the Senators present, those who voted in the affirmative are,

"Messrs. Adair, Condit, Gilman, Kitchel, Logan, Mitchell, Smith of Maryland, Smith of New York, Thruston, Turner, Worthington, and Wright.

"Those who voted in the negative are,

"Messrs. Adams, Baldwin, Hillhouse, Pickering, Plummer, Smith of Ohio, Tracy, and White."

In the list of yeas and nays the name of the distinguished and venerable gentleman from Massachusetts [Mr. Adams] is found; and if there be any thing in reference to the vote, of which explanation may be demanded, he certainly can inform us. If the precedent be examined, it will be found to contain sufficient authority for the present day.

Mr. McK. hoped there was a disposition in the House to do justice to these time-honored and war-worn petitioners, who were soldiers of the Revolution—that the resolution would be referred to the Committee on Revolutionary Pensions. Let us act as if the matter was *res integra*—as if it was a pure question. If deemed necessary, let a preamble to the bill be reported, setting forth the circumstances in relation to the case. He was satisfied that this course would alone produce the result so greatly desired on all sides.

At the suggestion of Mr. HOLSEY, Mr. INGERSOLL accepted a modification of his amendment, to change the reference of the subject from the Judiciary Committee to the Committee on Revolutionary Pensions.

The discussion was then further continued by Mr. HOLSEY; when

Mr. GILLET moved the previous question.

Mr. VINTON modified his motion by directing the Committee on the Judiciary, if they should be of opinion that the act was not a valid one, to report a bill for the benefit of the persons named in the same, if they should be of opinion that relief ought to be granted to them.

The motion for the previous question was not seconded.

After various propositions to amend, and some further remarks and suggestions by Messrs. BEARDSLEY, SUTHERLAND, ADAMS, INGERSOLL, ANTHONY, GRENNELL, KENNON, and EVERETT, the substitute proposed by Mr. Ingersoll for the motion of Mr. Vinton was negatived: Ayes 63, noes 65.

Mr. ADAMS then moved a substitute for the motion of Mr. Vinton, in substance that the Committee on Revolutionary Pensions be instructed to report a bill for the relief of Benedict Alford and Robert Brush; which was agreed to: Ayes 80, noes not counted.

So the joint resolution was committed to the Committee on Revolutionary Pensions, with the instructions moved by Mr. Adams.

The House then adjourned.

Saturday, March 19.

CONTESTED ELECTION.

The House resumed the consideration of the report of the Committee of Elections on the subject of the North Carolina contested election.

The question being originally on the motion reported from the committee to postpone the consideration of the report till the 2d day of March, and make it the special order for that day,

Mr. MANN, of New York, moved to strike out the 2d of March, and insert Wednesday, the 23d of March.

Mr. HARD had moved to recommit the whole subject to the Committee of Elections, with instructions to allow further time for the parties to take depositions in the case.

Mr. RENCHER resumed his remarks in favor of the motion to allow further time.

The morning hour having expired, the orders of the day were called for.

On motion of Mr. HARD, the rules were suspended for this day, with a view to proceed in the consideration of the report of the Committee of Elections.

Mr. RENCHER having concluded his remarks, as given heretofore,

Mr. Newland then addressed the House at some length. He said he was sorry it had again become his duty to trouble the House with any further remarks. When the House did him the honor to permit him to appear on Wednesday last in his own behalf, he first addressed the Chair, and inquired the nature of the motions then pending. The Chair was kind enough to explain, and informed him that it would be out of order to discuss the main question. Mr. N. on that occasion endeavored strictly to observe the landmarks laid down by the Chair, carefully avoiding any explanation of the testimony, and confining himself to a plain and simple statement of facts, in regard to the notices he had served on his honorable opponent, and the notices served on himself by his opponent. If, on that occasion, he was happy enough to be understood, and gentlemen had examined the dates he then referred to, he trusted the House was now fully satisfied that, so far from the petitioner having any intention to seek any advantages of the sitting member, he had manifested every disposition to afford that gentleman all the facilities a reasonable man could ask for. He had given him more than double the time the laws of their State required, serving the original notice on him at the September court in Burke county, the first court in the district, and continuing, week after week, from one county to another, until it passed through the whole district, at each and all of which his opponent saw all his friends, and had all the opportunity he could have asked for to collect and imbody his testimony.

Mr. N. said these facts spoke for themselves; and gentlemen surely must be satisfied that the sitting member had occupied more time in taking depositions than he had, coupled as this was with the fact that the sitting member had notified him (the petitioner) that he would continue taking depositions up to the 15th of December, having served notices to that effect prior to his [Mr. Graham] leaving home.

By permission of the House, Mr. N. would turn for a moment to the remarks that had fallen from several honorable gentlemen who had spoken, but more particularly to what had just fallen from one of the representatives from his own State, [Mr. Rencher.] As to the honorable gentleman from New York, [Mr. Hard,] Mr. N. could not pretend to answer him, for the reason that much of what he said was in an unknown tongue, or, at least, in language Mr. N. was not conversant in. The gentleman from North Carolina [Mr. Rencher] (he presumed he would, under no circumstances, permit him to call the gentleman his colleague) had said a good deal about prejudging this case, and about predilections. Now, he (Mr. N.) would appeal to the candor of the House to say whether the gentleman himself had not prejudged this case. Before concluding his remarks, the gentleman had taken occasion to refer to the politics of the

two contending gentlemen, [Mr. GRAHAM and Mr. N.] These remarks rendered it incumbent upon him that he should give some further explanation than was prescribed to him by the direction of the Speaker, or than he had originally intended; and as the gentleman [Mr. RENCHER] had indulged in a very wide range of argument and discussion, Mr. N. hoped the House would extend the same courtesy towards himself. So far as politics were concerned, he had no secrets to keep. His politics were, and ever had been, known, both in the Legislature of his native State, and to the people of his whole district. They had been inculcated into his youthful mind, and were in accordance with the views of one who made bare his bosom to achieve the liberties he then enjoyed. His early opinions he had never abandoned, nor would he; and if gentlemen wished to investigate his politics, he not only challenged, but should court it. He held himself ready to give a full, a fair, and an impartial history of his whole course, if it was desired. He had nothing to conceal, little to regret, and still less to retract.

Mr. N. then proceeded to say that he had been an humble supporter of the present administration, which had, in his opinion, carried out the principles he verily believed to have been intended by the framers of the great charter of our rights.

The CHAIR here interposed, and informed the gentleman that the course he was pursuing was not strictly in order.

Mr. MAURY moved that the gentleman have leave to proceed.

Mr. BYNUM thought, as the petitioner's politics had been first brought in question by his colleague, [Mr. RENCHER,] that the former gentleman had a right to proceed in reply.

The House then agreed to the motion of Mr. MAURY.

Mr. NEWLAND thanked the House for the indulgence, but having been rebuked, he would not proceed further on that subject. He hoped, however, he might be permitted to say to the honorable gentleman [Mr. RENCHER] that he (Mr. N.) was not one of those who fought under different colors. He would merely ask the gentleman to take the beam from his own eye, ere he could flatter himself with possessing that distinct perception to be able to take the mote from his brother's. Sir, said Mr. N., "straws show which way the wind blows;" and it is easy to perceive from the gentleman's argument what he is aiming at. You know the maxim, sir, that "dog will not eat dog;" and from the highest authority we are told that "he that is not for me is against me." The gentleman, in his elaborate speech, had, as must be apparent to all who heard him, taken but one side of the case.

The gentleman had given the House one reason why this report should be recommitted, viz: that the committee had wholly misconstrued the constitution of North Carolina in regard to the qualifications of voters. Now, with all due deference to the legal opinions of that gentleman, Mr. N. must be permitted to say that he was himself wholly wrong, and that the gentleman's opinion totally conflicted with the construction given to that section by the most able, experienced, and learned men of their State. Mr. N. then read that part of the constitution of North Carolina, and commented at some length upon the interpretation given to the section relating to elections by Mr. RENCHER, whose argument, he said, was an absurdity, being totally at variance with the common meaning of simple language, unless the clause was intended to consist of empty words, and mean nothing. The constitution was so plain and explicit, that it seemed to him strange indeed that the gentleman should have given it the construction he had.

Mr. N. then referred to the letters and statements of the sitting member, and said, "out of his own mouth let him be judged." Lawyer as his opponent was, Mr. N. was at a loss to perceive how the gentleman could get out of the difficulty. The gentleman thought, perhaps, he was playing a safe game, by objecting to Mr. N's testimony, yet he was willing to avail himself of the very same kind of testimony to that he objected to on Mr. N's part; if he could sustain himself by testimony, he would do so; if not, then the gentleman would set the whole aside.

Mr. N. made some further remarks, principally in reply to the speech of the sitting member.

At the suggestion of Mr. CAMBRELENG,

Mr. MANN, of New York, then modified his motion by inserting Thursday, the 24th of March, instead of Wednesday, the 23d; so as to make the subject the special order for that day; which was agreed to by the House.

The question then recurring on the motion as amended,

Mr. RENCHER said he still wished to take the sense of the House upon the application of the sitting member for further time to take testimony. If, however, the House should reject that application, he was indifferent on what day the consideration of the subject was brought up. He said he saw that if the amendment should be adopted by the House, it would then be out of order to move an amendment to the effect he had indicated, or, perhaps, any other.

The CHAIR said that when the subject should come up on Thursday next, it would then be in order for the gentleman to make that motion.

Mr. RENCHER expressed a wish to move to postpone the further consideration of the subject till the third Wednesday in April.

Mr. McKAY hoped the House would decide to-day on the application of the sitting member for further time. A month had already been wasted in the discussion of this preliminary question, and as yet they had not progressed a single step. Suppose the motion of postponement, in its amended form, were adopted, and the subject made the special order for Thursday next, they would then be where they were, since he understood from his colleague that he still intended to submit the very motion now pending, for further time. Mr. McK. did hope that, inasmuch as the rules had been suspended that morning for the purpose of proceeding in the consideration of this case, at least this preliminary question would be disposed of.

Mr. MANN had no objection to withdraw his motion for the present, if he could do so, so as to enable the House to reach the other question.

The CHAIR, having stated the question, said that could only be done by a reconsideration of the vote by which the House had adopted the amendment of the gentleman from New York.

Mr. UNDERWOOD then made the motion to reconsider.

Mr. BYNUM wished to know the object of the reconsideration.

Mr. RENCHER explained that it was to obtain the vote of the House upon the application of the sitting member for further time to take testimony. He also wished to obtain that vote at this time, so that the preliminary question should not be in the way of the House when it came to act on the main question.

Mr. McKAY again expressed a hope that the House would act on that question without further delay.

Mr. GILLET thought, if the motion to reconsider prevailed, they would stand precisely in the same situation they had been for the last month, and it was not in the power of man to tell when they would proceed with it. There were several other propositions, subsequent to the one already decided, before the House, upon

which decisions would be likewise called for; and, as he was opposed to wasting any more time in these preliminary questions, he moved to lay the motion to reconsider on the table.

Mr. BYNUM inquired of the Chair what would be the effect of that motion, if it prevailed?

The CHAIR replied that the motion to lay a motion to reconsider on the table would cohere to the main proposition, and, if agreed to by the House, would carry the main subject with it, and lay the whole on the table; whereupon,

Mr. GILLET withdrew the motion.

Mr. BYNUM remarked that it appeared to him there was something more than met the eye in this motion to reconsider. His colleague now wanted to move for further time to be allowed the sitting member, and not to recommit; which seemed to Mr. B. to be an entire change of the original ground.

Mr. RENCHER repeated his previous statement, that he desired a decision of the House upon the application of the sitting member for further time. If that application should prevail, the subject would be recommitted, as a matter of course. He could assure his colleague that he would do or say nothing there but what was clear.

Mr. VANDERPOEL thought the object represented by the gentleman to be very reasonable, and one that ought to be concurred in, otherwise they had gained nothing at all, and had been making speeches for the last month to no purpose whatever. He thought they were emphatically called upon to dispose of that application at once, one way or the other.

The motion was then agreed to without a count, and the House reconsidered its vote adopting the amendment of Mr. MANN.

Mr. RENCHER then moved to strike out the 2d of March, as in the original motion of the committee, and insert "the third Thursday in April next, and that the parties have leave, until that time, to take further testimony."

Mr. MANN, of New York, asked for the yeas and nays on this motion; which were ordered.

Mr. CAMBRELENG inquired, if this motion should be rejected, whether the motion would still be open to insert Thursday next?

The CHAIR replied that would be the next question in order, the vote being taken on the most distant time first, which was the present motion.

The question was then taken, and the amendment of Mr. RENCHER was rejected: Yeas 87, nays 104:

YEAS—Messrs. Adams, C. Allan, H. Allen, Ashley, Bailey, Banks, Bell, Bond, Borden, Bunch, J. Calhoon, W. B. Calhoun, Campbell, Carter, G. Chambers, J. Chambers, Chapman, Childs, N. H. Claiborne, Clark, Connor, Corwin, Crane, Darlington, Deberry, Denny, Dickson, Dunlap, Evans, Everett, Forester, P. C. Fuller, Graham, Granger, Graves, Grennell, Griffin, H. Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Hoar, Howell, Huntsman, Ingersoll, Janes, H. Johnson, Lawler, Lawrence, Lay, L. Lea, Lewis, Lincoln, Love, Lyon, S. Mason, Maury, McCarty, McKennan, Milligan, Morris, Patton, Pettigrew, Peyton, Phillips, Pickens, Reed, Rencher, Robertson, Rogers, Russell, A. H. Shepperd, Shields, Spangler, Standefer, Steele, Storer, Taliaferro, Turner, Underword, Vinton, Whittlesey, L. Williams, S. Williams, Wise—87.

NAYS—Messrs. Anthony, Ash, Barton, Bean, Beaumont, Bockee, Bouldin, Boyd, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Cleveland, Coffee, Coles, Craig, Cushman, Davis, Dickerson, Doubleday, Dromgoole, Fairfield, Farlin, French, Fry, W. K. Fuller, Galbraith, J. Garland, Gillet, Glascock, Grantland, Haley, Hamer, Hannegan, S. S. Harrison, A. G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Huntington, J. Jackson, J. Johnson, R. M. Johnson, C. Johnson, J. W. Jones, B. Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, G. Lee, J. Lee, T. Lee, Leonard, Logan, Loyall, A. Mann, J. Mann, Martin, J. Y. Mason, W. Mason, M. Mason, May, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Parker, Parks, Patterson, D. J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Shinn, Sickles, Speight, Sutherland, Thomas, J. Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks—104.

The question then recurring upon the modified amendment of Mr. MANN, of New York, to strike out the 2d and insert the 24th of March,

Mr. MANN, with a view, he said, to test the sense of the House upon proceeding at once with the subject, withdrew his motion for the 24th, and moved to insert this day, stating that, if any objection were made, he should withdraw it.

Mr. RENCHER hoped a few days' further time, at least, would be allowed.

Mr. MANN thereupon withdrew the latter motion, and renewed the former.

Mr. RENCHER desired also to take the sense of the House on the propriety of recommitting the report, as he wished the law and qualifications of electors to be so represented to the House as to enable it to act understandingly. If there was any way by which that object could be accomplished, he desired the sense of the House upon it.

Mr. SPEIGHT hoped the committee would report upon what they conceived the strict and legal interpretation of that part of the constitution and laws of North Carolina bearing upon the subject of elections, and that object could be attained by his colleague, by moving to have the constitution and all the acts of North Carolina regulating elections in that State printed. Mr. S. expressed his surprise at one remark that fell from his colleague [Mr. RENCHER] that day, in reference to the qualification of voters of the House of Commons and Representatives in Congress from North Carolina. He understood his colleague to say that it required twelve months' residence in the county before an individual was entitled to vote. Surely a gentleman so distinguished and learned in the law as his colleague would not contend for such an interpretation of the ninth section of their constitution as that. It had been correctly read, and very correctly commented upon, by the petitioner, and his interpretation was in conformity with the construction given to that clause by the most learned men of their State. Any man otherwise qualified to vote, moving into another county, and swearing that that had become his *bona fide* place of residence, was entitled to vote. It required no particular time of residence, if a voter had paid his taxes, and his residence was in the county.

Mr. UNDERWOOD remarked that, since the report had been made, additional testimony had been laid on the tables of the House, and it seemed to him proper that the committee should report thereupon. Upon that ground he should vote for the recommittal of the report.

Mr. MAURY moved to insert Thursday two weeks, and that in the mean time the additional testimony be recommitted to the committee, with instructions to report thereon.

The CHAIR said the motion in that form was not then in order; but if the House should now refuse to postpone to a day certain, the next question would be the motion to recommit.

Mr. MAURY. But if the House agree to postpone to a day certain, sir?

The CHAIR. If the House agree to postpone to a day

certain, then on that day it would be in order to make the motion indicated by the gentleman. The House might then proceed to act upon the report of the committee, or postpone further, or recommit with or without instructions.

Mr. A. H. SHEPPERD should not vote for the recommittal of the report, for he was satisfied that the suggestion of his colleague [Mr. SPEIGHT] would obviate the necessity of doing so. The section of the constitution and the laws regulating elections in North Carolina were imbodied in a very small compass, and could be conveniently printed in a day or so.

As to the additional testimony taken by the sitting member since the report of the committee was made, all he had to say was this: it had been printed and laid on their tables; and when the House went into the consideration of the whole subject, it would then be competent for any gentleman to call for the reading of that testimony; and it was not so voluminous but that the House could extract the proof from it as well as the committee. It had never been Mr. S's purpose to throw difficulty in the way of any question; and he should, therefore, make no motion tending to embarrass any of the preliminary questions.

Mr. RENCHER was satisfied at the suggestion of his colleague, [Mr. SPEIGHT.] There was only a portion of the constitution, and one or two sections of the law, that it would be necessary to print.

Mr. SPEIGHT suggested to his colleague to amend his motion by directing the same to be printed under the direction of the committee.

Mr. RENCHER was also, he said, about to propose a more distant day, and he hoped the gentleman from New York would consent to a modification for Tuesday two weeks.

Mr. MANN replied that the chairman of the Committee of Ways and Means, as well as other gentlemen, wished to occupy Tuesday in public business, and Mr. M. therefore proposed Thursday and the two succeeding days.

Mr. GLASCOCK said it appeared to him that the motion to recommit these proceedings to the committee was all important, and would save the House a great deal of trouble and much time. When the subject came up for final action, the most important question that would then be presented would be with regard to the propriety of admitting or rejecting the additional testimony presented to the House though the Chair, subsequently to the report of the committee. He was clearly of opinion that the sense of the House ought now to be taken, with a view to ascertain what disposition should be made of it. He believed it indispensably necessary that the committee should be put in possession of the testimony recently arrived, and that they should report upon it; and, for himself, he was not prepared to exclude it. If that testimony should have the effect of changing the report of the committee, he should feel it his duty not to sustain the report, though he should certainly sustain it if the testimony warranted him in so doing. His main object, however, in wishing the committee to report upon it was, to prevent the discussion that would necessarily arise in the House upon the propriety of the reception or rejection of the additional testimony. It was true that it had been printed and laid on their tables, but no decision had been had, whether it should be received or not. He hoped, therefore, that a motion would be sustained that the testimony which had been recently received should be committed to the Committee of Elections; and that the committee be instructed to report thereon as speedily as possible. Mr. G., in conclusion, hesitated not to say that he was prepared to receive all the testimony now in possession of the House, if taken in conformity with the constitution and laws of North Carolina; and if that additional testimony would authorize the sitting member to retain his seat, Mr. G. would so record his vote. Mr. G. then made the above motion.

Mr. HARDIN had, as yet, been unable to lay his hand upon the constitution of North Carolina, or any law of that State upon the subject of elections. Mr. H. concurred entirely in the remarks of the gentleman from Georgia, [Mr. GLASCOCK,] and he should take the whole testimony into consideration, as well that which had been before the committee as that which had subsequently been presented and laid on the tables of the House. With that understanding, he did not know of any particular necessity to call upon the Committee of Elections to report upon it.

Mr. GLASCOCK then withdrew his motion, and the modified amendment of Mr. MANN, to insert the 24th instead of the 2d of March, was agreed to without a count.

The question recurring on agreeing to the motion of the Committee of Elections as amended,

Mr. MANN, at the suggestion of Mr. RENCHER, withdrew his motion to make the subject also the special order for the two succeeding days, to Thursday, the 24th.

The motion, as amended, was then agreed to without a count.

The CHAIR said, to avoid a question of order, he would understand it to be the pleasure of two thirds of the House, when Thursday arrived, unless otherwise determined by the House, that this subject would take precedence of the special order (the appropriation bills) on that day.

Mr. WISE then said, I call for a division of the House on that question.

The vote was then taken by tellers, and the result was, ayes 124, noes 49, being two thirds in the affirmative; and so the subject was postponed, and made the special order for Thursday next, the 24th of March.

The question then recurred on Mr. SPEIGHT's motion, that that portion of the constitution and laws of North Carolina relating to the elections of that State be printed for the use of the House.

Mr. HARDIN suggested a modification, to the following effect: "as much as may be pointed out by the sitting member and the petitioner;" which Mr. SPEIGHT accepted; and the motion was agreed to by the House.

Mr. ANTHONY moved that the House adjourn.

Mr. WHITTLESEY asked for the yeas and nays, which were ordered; and the yeas were 104, nays 86; and so

The House adjourned.

MONDAY, MARCH 21.

TRADES UNION—HOURS OF LABOR.

The memorial presented on Monday last, by Mr. HOWARD, from the Trades Union of Baltimore, asking Congress to regulate the hours of labor of the operatives on the public works, so as to confine the time of such labor to ten hours in each day, was taken up.

There were three motions pending: the first to refer the memorial to a select committee, the second to refer it to the Committee on Roads and Canals, and the third, that it be referred to the Committee on the Judiciary.

The first question in order was to refer the memorial to the Committee on Roads and Canals.

Mr. HOWARD had not supposed that the memorial would give rise to any debate, and less did he suppose that discussion could have arisen on the mere question of its reference. It was a prayer from about three thousand of the laboring classes of the community, and

Mr. H. detailed the substance of the contents of the memorial, and the reasons assigned by the memorialists for the legislation of Congress on the subject. Mr. H. thought the Committee on Roads and Canals was not the proper reference, for they had but a comparatively small branch of the public works under their charge. For a similar reason he was opposed to referring it to the Committee on the Judiciary; and if any reference was necessary, he thought a select committee should be raised on the subject. The memorial was a reasonable one, and might be acted on by the House itself.

Mr. PARKER thought the subject itself one in which Congress had neither the right nor the power to interfere. It should be left to the regulations of the parties themselves—the workman and his employer.

Mr. WARDWELL was inclined to believe this question was not one of such small importance as the gentleman from New Jersey seemed to suppose. Certainly the Committee on Roads and Canals was not, in Mr. W's opinion, the proper reference, nor the Committee on the Judiciary, for it was not a question of law, but of expediency. He was in favor of having a special committee raised on the subject. Every other subject sent there was certain of a reference, but these men who labored with their hands, and toiled for their bread by the sweat of their brow, who were the bone and sinew of their country, were to be denied having even their memorial referred to a committee. He expressed his surprise at the remark of the gentleman, that this was a small matter.

Mr. PARKER explained. He did not say it was a small matter. At first he did not know the subject of the memorial, until he asked the gentleman from Maryland, [Mr. Howard.]

Mr. WARDWELL understood the gentleman to say something to that effect. It was notorious that there were many abuses which these men suffered, and which ought to be inquired into. It was notorious that the men employed for the Government worked not only from sunrise to sunset every week day, but often on Sundays too. Mr. W. said he should vote against every other proposition than that to refer the memorial to a select committee.

Mr. PARKER was misunderstood in saying that he was opposed to the object of the memorial, as it had been explained. All the petitioners asked was, that they should not be compelled to work on the public works more than ten hours a day. Now, Mr. P. was not aware that there was any law to compel them to work longer, nor ought there to be. He was not opposed to the interest of the working man, but he was always prepared to maintain it. He had no objection to this memorial, but he questioned the power of Congress to interfere with the subject at all, and he thought it much wiser to leave it to the parties themselves for regulation.

Mr. BEARDSLEY moved that the further consideration of the memorial be postponed until Monday next. He explained that he made this motion on account of the indisposition of one of his colleagues, [Mr. Moore,] who was confined to his room, and who wished to address the House on the subject. The motion, also, was in accordance with the wish of the gentleman who presented the memorial.

Mr. HAMER announced his intention of moving to lay the memorial on the table. He meant no reflection on any gentleman, when he said that there were some politicians in this country who seemed to think that every thing ought to be regulated by law. Now, he was against that doctrine. Every man should be left free, being prevented from encroaching on the rights of his fellow-man, and ought to be left free to manage his own affairs in his own way, with this restriction.

Mr. ADAMS rose to a question of order. The gentleman had given notice that he intended to move to lay the memorial on the table, which motion was not debateable; and, from the gentleman's exordium, Mr. A. apprehended a long speech from him. Now, Mr. A. inquired if it was in order for the gentleman to make a speech, after the intimation of his intention to make a motion to lay the memorial on the table?

The CHAIR replied that the motion to lay on the table was not debateable; but that motion had not been made.

Mr. HAMER had no intention of making a long speech.

Mr. BEARDSLEY would inquire, then, if the remarks of the gentleman were pertinent to the question under consideration, which was merely to postpone?

The CHAIR replied that the motion to postpone was debateable, though within very narrow limits.

Mr. HAMER said he should have been through by that time, if he had not been interrupted. He was against the whole proposition, and, consequently, he was opposed to its postponement. He did not believe it was a subject that ought to be entertained by Congress, and he thought they should dispose of it at once. Why, said Mr. H., we might just as well prescribe by law what sort of clothes a man should wear, or at what time he should eat his dinner! A man who is free should be left to make his own contract. He therefore moved to lay the memorial on the table; which motion was agreed to by the House: Ayes 102, noes not counted.

PUBLIC LANDS.

The House then took up, as the next subject in order, the preamble and resolutions of the Legislature of the State of Kentucky, in favor of the distribution of the proceeds arising from the sale of the public lands among the several States, presented last Monday.

The question being on the resolution offered by Mr. Williams, of Kentucky, for the reference of the subject to the Committee of Ways and Means, with instructions to report a bill for the distribution of the proceeds arising from the sale of the public lands among the several States, for the purposes of internal improvement and education,

Mr. ALLAN took the floor, and said:

Mr. Speaker: I rise to discharge the duty requested of me by the Legislature of the State which I have the honor in part to represent. This duty, I am happy to know, is consistent with the opinions of my immediate constituents.

I am pleased that this great subject is brought before this House by one of the States of this Union—a subject of higher importance than any which was ever submitted to the deliberation of Congress under the present constitution, and in the decision of which, as I solemnly believe, is involved the fate of our free institutions. It is fit that such a subject should be brought here by a member of the confederacy. The State comes not to solicit a favor, but to demand a right. I rejoice that the attention of Congress has been thus brought directly to the question, what shall be done with the thirty millions of dollars now in the Treasury over and above the wants of the Government, and the millions of surplus destined hereafter to come into the Treasury? Shall these vast sums be loaned out to favorites, or shall they all be exhausted in a still further increase of the expenses, power, and patronage, of the General Government? Or shall they be divided among the States?

These are the grand questions which we are called upon to decide. This is the great business of the session. Yet nearly four months have passed away, and we have not even approached it. The principal occupation of these four months, in my judgment, has been worse than useless; which is the reason why I have not felt it to be my duty to participate in the debates. I

repeat that I rejoice that the House is at last brought to the consideration of the subject of the surplus revenue—a subject which has been at the bottom of all the political movements which we have witnessed for more than a year. The excellent law of 1817, which was enacted by the wise and provident councils of that time, for the payment of the national debt, having accomplished its object, we find our Treasury overflowing. It now devolves on the present Congress to decide how this treasure can be most beneficially used for our conntry. The disposition of the public revenue heretofore had relation chiefly to the annual expenses of the Government and the execution of plans of policy which had been adopted. But, in the present condition of the Treasury, the subject stands connected with a new system of policy, destined to exercise a decisive influence upon the security of our institutions and the liberty of the people.

Sir, we are thrown here at a most important point of history. Our country is in a situation hitherto unknown. It is our duty to meet the occasion promptly. The weighty contest now depending before Congress and before the nation is, whether the thirty millions of dollars, which is the produce of the honest labor of our constituents, shall be returned to their pockets, or devoted to the schemes of official ambition upon the eve of a presidential election. In this aspect of the question, it bears directly upon all the great interests of the nation and upon the interest and liberty of every man in the nation. It is a question between the tax-payers and the tax-receivers—between power and liberty. It is a question that will justify debate in its broadest amplitude of freedom. Sir, it is our duty to call off from the profitless skirmishing on the outposts, in which so much of the session has been consumed, and come at once up to the main battle.

Would you, Mr. Speaker, be willing to adjourn without action? Would you be willing to face the farmers of Tennessee, and tell them that you had left thirty millions of the public money loaned out, without interest, to persons that you did not know, and for what purposes you could not tell?

I impeach the motives of no one; but inaction accomplishes the purposes of those who desire to let the money remain in its present position better than action. To do nothing gains the prize, or rather retains the prize which they already have fast in their hands.

It is certain that, in the disposition of the surplus revenue, one of three plans will be adopted: 1st. It will either be suffered to remain where it now is; or, 2d. The expenses of the Government will be increased enough to exhaust it; or, 3d. So much of it as has arisen from the sales of the public lands will be divided among the States.

I propose, before I take my seat, to devote some attention to the consideration of each of these plans. But there is an indispensable preliminary inquiry essential to a clear understanding of all the bearings of this important subject. As it is proposed to invest this Government, this central agency, with the use of this vast sum of money, the duty is imposed on us of inquiring how and for what purposes the power already possessed has been used, before we double this power by placing thirty millions more in its reach. As it is known that power is ever on the alert to enlarge its authority, it is the first duty of the representatives of a free people to watch its encroachments upon the public liberty with a sleepless vigilance.

It is a very proper occasion to pause before we make this new and important step to the future, and take an impartial retrospect of the past. We are just entering upon the eighth year of the present administration, and we have before us the estimates and recommendations for the residue of the term; so that we now have a full view of the whole ground; and, upon looking over it, we shall be better able to decide upon the present character of federal power, and its tendencies, and how far it would be prudent to enlarge its boundaries, by placing under its control the surplus treasure of the people; and this retrospect is involved in much difficulty; there is no subject about which there is more controversy than "what are the principles of the present administration?" To this question you receive a different answer from almost every man to whom it is propounded. As the helmsmen of the vessel of state, let us turn to our log-book, and ascertain, if we can, what courses we have been steering. Let us ascertain our latitude and longitude, and find whereabouts we are in the broad political ocean.

In several documents, to which I will take leave to call the attention of the House, we can have a distinct view of the points to which this administration proposed to steer, before and at the commencement of its voyage. The first I shall offer is the celebrated letter of General Jackson to President Monroe, which contains, in part, the principles upon which this administration came into power; an extract from which the Clerk read, as follows:

"Pardon me, my dear sir, for the following remarks concerning the next presidential term: they are made with the sincerity and freedom of a friend. I cannot doubt they will be received with feelings similar to those which have impelled me to make them. Every thing depends on the selection of your ministry. In every selection, party and party feelings should be avoided. Now is the time to exterminate that monster called party spirit. By selecting characters most conspicuous for their probity, virtue, capacity, and firmness, without any regard to party, you will go far to, if not entirely, eradicate those feelings which, on former occasions, threw so many obstacles in the way of Government, and, perhaps, have the pleasure and honor of uniting a people heretofore politically divided. The Chief Magistrate of a great and powerful nation should never indulge in party feelings. His conduct should be liberal and disinterested, always bearing in mind that he acts for the whole, and not a part of the community. By this course you will exalt the national character, and acquire for yourself a name as imperishable as monumental marble. Consult no party in your choice; pursue the dictates of that unerring judgment which has so long and so often benefited our country, and rendered conspicuous its rulers. These are the sentiments of a friend; they are the feelings, if I know my own heart, of an undissembled patriot.

"Accept assurances of my sincere friendship, and believe me to be, respectfully, your obedient servant,

"ANDREW JACKSON.

"HON. JAMES MONROE."

We have in the paper which has just been read the important principles which the faith of the party now in power was pledged to pursue.

In the appointment of public officers have "characters been selected most conspicuous for their probity, virtue, capacity, and firmness, without any regard to party?" On the contrary, can a single instance be found where any one received an office who did not belong to "the party?" Have we not seen, throughout the land, officers who were "conspicuous for their probity, virtue, capacity, and firmness," hurled from their stations without a charge of misconduct, without a hearing or a trial, because they dared to think and speak according to the dictates of their consciences, and because they did not belong to "the party?"

Has this administration wielded its power to crush the monster called party spirit? On the contrary, has not this fell monster been nurtured and fed until it has be-

come a bloated Juggernaut, whose voracious appetite has not been satisfied with a thousand victims of the opposite party, but has, without pity or remorse, crushed beneath its ponderous wheels almost all its original votaries? Must not all worship at the shrine of this idol, under pain of their proscription and unrelenting persecution? Has not the irreversible decree gone forth, that all true believers, as a passport to office, must repeat the confession of faith that there is but one God, and Mahomet is his prophet? We must seek elsewhere for the principles of this administration; they are not to be found in the Monroe letter.

Let us turn over another leaf of our book of reckoning. It is a letter from General Jackson to the Legislature of Tennessee, upon the occasion of his being nominated as a candidate for the presidency; an extract from which reads as follows:

"Upon this principle I venture fully to accord with you in the contemplated change proposed to the constitution, and, indeed, would go further, with a view to sustain more effectually, in practice, the axiom which divides the three great classes of power into independent constitutional checks. I would impose a provision rendering any member of Congress ineligible to office, under the General Government, during the term for which he was elected, and for two years thereafter, except in cases of judicial office; and these I would except, for the reason that vacancies in this department are not frequent occurrences, and because no barrier should be interposed in selecting to the bench men of the first talents and integrity. Their trusts and duties being of the most responsible kind, the widest possible range should be permitted, that judicious and safe selections might be made. The politician may err, yet his error may be presently retrieved, and no considerable injury result; but with judges, particularly in the last resort, error is fatal, because without a remedy.

"The effect of such a constitutional provision is obvious. By it Congress, in a considerable degree, would be free from that connexion with the executive department which at present gives strong ground for apprehension and jealousy on the part of the people. Members, instead of being liable to be withdrawn from legislating on the great interests of the nation through prospects of executive patronage, would be more liberally confided in by their constituents, while their vigilance would be less interrupted by party feelings and party excitements. Calculations from intrigue and management would fail, nor would their deliberations or their investigations of subjects consume so much time. The morals of the country would be improved, and virtue, uniting with the labors of the representatives, and with the official ministers of the law, would tend to perpetuate the honor and glory of the Government.

"But if this change in the constitution should not be obtained, and important appointments continue to devolve on the representatives in Congress, it requires no depth of thought to be convinced that corruption will become the order of the day, and that, under the garb of conscientious sacrifices to establish precedents for the public good, evils of serious importance to the freedom and prosperity of the republic may arise. It is through this channel that the people may expect to be attacked in their constitutional sovereignty, and where tyranny may well be apprehended to spring up in some favorable emergency. Against such inroads every guard ought to be interposed, and none better occurs than that of closing the suspected avenue with some necessary constitutional restriction. We know human nature to be prone to evil; we are early taught to pray that we may not be led into temptation; and hence the opinion that, by constitutional provision, all avenues to temptation on the part of our political servants should be closed."

Here the nation is informed that the power of the President to appoint members of Congress to office is the channel through which tyranny will approach, through which corruption will creep, by which the representatives of the people will be seduced to abandon the posts assigned them by their constituents, by which the legislative power will be brought in base submission to executive dictation, by which corruption will be the order of the day.

The annunciation of these great and important truths by General Jackson, while he was electioneering for the presidency, made a powerful impression on the public mind; and he was elected to make an alteration in the practice of the Government, and a change in the constitution, by which the people would be shielded from the danger of having the fountain of the legislative power poisoned with corruption.

I will here call the attention of the House to another document, as a practical commentary upon the foregoing professions. It is an official report of the Register of the Treasury of the amount of money which has been drawn from the Treasury by members of Congress who have received their appointments from the present Chief Magistrate, which reads in the following words and figures:

Statement of the amounts paid from the Treasury of the United States to the following officers of Government since the year 1829.

Martin Van Buren, Secretary of State,		$13,437 64	
Martin Van Buren, Minister to Great Britain:			
Outfit,	9,000 00		
Salary,	5,967 13		
Return home,	2,250 00		
Contingencies,	1,191 89		
			$31,846 66
Samuel D. Ingham, Secretary of the Treasury,			14,268 50
John H. Eaton, Secretary of War,		15,183 33	
John H. Eaton, Governor of Florida,		3,750 00	
			18,933 33
John Branch, Secretary of the Navy,			13,575 63
John M. Berrien, Attorney General,			8,479 10
Thomas P. Moore, Minister to Colombia:			
Outfit,	9,000 00		
Salary,	36,870 59		
Return,	2,250 00		
Contingent and loss on exchange,	3,526,21		
			51,646 80
Louis McLane, Minister to Great Britain:			
Outfit,	9,000 00		
Salary,	17,950 55		
Return,	2,250 00		
Contingent,	3,800 59		
Louis McLane, Secretary of the Treasury,		10,848 17	
Louis McLane, Secretary of State,		6,532 25	
			50,381 57
William C. Rives, Minister to France:			
Outfit,	9,000 00		
Salary,	29,671 13		
Return,	2,250 00		
Contingent and loss on exchange,	4,828 40		
			45,749 53
John Forsyth, Secretary of State,			9,000 00
Selah R. Hobbie, Assistant Postmaster General,			15,625 00

John Randolph, Minister to Russia:		
Outfit, - -	$9,000 00	
Salary, - -	9,959 71	
Return, - -	2,250 00	
Contingent and loss on exchange, - -	240 00	
		$21,449 71
Philip P. Barbour, Judge Eastern District Virginia, - - - - -		9,415 76
Thomas Irwin, Judge Western District Pennsylvania, - - - - -		8,485 00
Levi Woodbury, Secretary of the Navy, - - -	18,642 85	
Levi Woodbury, Secretary of the Treasury, - -	9,000 00	
		27,642 85
Edward Livingston, Secretary of State, - - -	12,096,77	
Edward Livingston, Minister to France:		
Outfit, - -	9,000 00	
Salary, - -	20,600 99	
Return, - -	2,250 00	
Contingent and loss on exchange, - -	2,850 62	
		46,798 38
James Buchanan, Minister to Russia:		
Outfit, - -	9,000 00	
Salary, - -	12,945 83	
Return, - -	2,250 00	
Contingent and loss on exchange, - -	2,848 47	
		27,044 30
William Wilkins, Minister to Russia:		
Outfit, - -	9,000 00	
Advanced by bankers,	7,789 94	
		16,789 94
Edward Kavanagh, Chargé d'Affaires to Portugal:		
Advanced by bankers, - -		3,288 00
Powhatan Ellis, Judge for District of Mississippi, - -	6,929 35	
Powhatan Ellis, Chargé d'Affaires to Mexico, - -		
		6,929 35
		427,349 41
Nett emoluments of office which have accrued during the incumbency of the following officers:		
James W. Ripley, Collector of the Customs, Passamaquoddy, to 31st December, 1834, -	12,750 00	
John Chandler, Collector of the Customs, Portland, to 31st December, 1834, - -	18,323 23	
George W. Owen, Collector of the Customs, Mobile, to 31st December, 1834, - -	17,250 21	
John Biddle, Register of the Land Office, Detroit, to 31st December, 1834, - -	12,997 45	
		61,320 89
Nicholas D. Coleman, Postmaster, Maysville, Kentucky, accounts not in the Register's office.		
Aggregate, -		$488,679, 30

TREASURY DEPARTMENT,
Register's Office, March 10, 1836.
T. L. SMITH, *Register.*

It will be seen by the foregoing paper that the same members of Congress have received two, and, in some instances, three, important appointments. In addition to the list in the above report, three other members of Congress have been appointed to office: the Hon. J. M. Wayne, to be a judge of the Supreme Court—the Hon. Andrew Stevenson, to be minister to England—and the Hon. John H. Eaton, to be minister to Spain. So that, if the aggregate account was made out up to this time, it would appear that over five hundred and thirty thousand dollars of the people's money had been distributed among members of both Houses of Congress, in the form of salaries and outfits. It appears that the highest honors and emoluments of the nation have been constantly held up to glitter in their eyes.

It is thus that the prayer of our Lord and Saviour has been remembered; it is thus that the members of Congress have been kept out of temptation; it is thus that the channel of tyranny and corruption has been closed; it is thus that the purity of legislation has been preserved.

In pursuit of the principles of this administration, let us pass to the consideration of two other documents.

On the 24th of February, 1825, (see the Senate journal, page 194,) as a member of the Senate, General Jackson voted for a subscription of stock on the part of this Government, to aid in the completion of the Dismal Swamp canal, and on the same day he voted for the passage of the bill authorizing a subscription of stock in the Delaware and Chesapeake Canal Company. In the year 1828, the General, being a candidate for the presidency, and there being great anxiety in the Western country to know certainly his principles in regard to internal improvements, (this anxiety arose from the fact that, from the commencement of the Government, the revenues of the country had been expended on the seaboard, and every Western interest had been neglected,) the election of a Western President was looked to as an event that would bring the protection and blessings of the Government to all parts of the Union. That there might not remain any doubt on the subject, Governor Ray, of the State of Indiana, at the instance of the Senate of that State, addressed a letter of inquiry to General Jackson, and on the 28th day of February, 1828, the General sent his answer to the Governor and Senate; an extract from which reads in these words:

"I pray you, sir, respectfully to state to the Senate of Indiana that my opinions at present are precisely what they were in 1823–'4, when they were communicated by letter to Dr. Coleman, of North Carolina, and when I voted for the present tariff, and appropriations for internal improvements."

This letter, throughout the West, was considered as removing every doubt, and the vote of that country was given upon the faith of the positive pledge it contained. This pledge was redeemed by the veto of the Maysville road bill, and the veto of the bill for the benefit of the Louisville canal—redeemed, by depriving Kentucky of the appropriations voted by the Congress of the United States, and by consenting to pour out millions at every session for internal improvements in other more favored parts of the United States, under the very same clauses of the constitution upon which any grant of money for the benefit of Kentucky was refused.

In the veto of the bill for the benefit of the Louisville canal, we are informed that "positive experience, and a more thorough consideration of the subject, have convinced me (the President) of the impropriety as well as inexpediency of such investments."

Here we have an example to weaken the ties which bind together representative and constituent. What right has a representative to change his opinions in regard to principles which he was pledged to support before his election? But it was necessary to break the

force of the shock which this disappointment caused in the West.

This purpose was accomplished in the message of 1829, in which the country was informed that, after the payment of the public debt, there would remain a large surplus in the Treasury, which could be applied to purposes of internal improvements, so as to avoid the objections which had been made to the system. The President says: "To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States, according to their ratio of representation; and, should this measure not be found warranted by the constitution, that it would be expedient to propose to the States an amendment authorizing it."

This view revived the hopes of the West, believing that, on the extinguishment of the national debt, the surplus revenue would be divided among the States. But when the time came for realizing this new promise, and the Congress of the United States, by almost two thirds of each House, passed a law to divide the proceeds of the public lands among the States, it was met by another veto. When this promise was made, there was no surplus then to divide; now, when there is a surplus of thirty millions, we hear no more of the safe, just, and federal apportionment among the several States; but we are now urged to add the whole to the expenses of the Federal Government.

The principles of this administration are not to be found in the recorded votes on the Senate journal, or in the letter to Govenor Ray, or in the message of 1829. In his inaugural address on the 4th of March, 1829, the President expresses himself thus:

"The recent demonstration of public sentiment inscribes on the list of executive duties, in characters too legible to be overlooked, the task of reform; which will require particularly the correction of abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections."

Here we have the promulgation of a principle upon which the very existence of a representative Government depends. For it is evident that, if the power and patronage of the General Government were brought into conflict with the freedom of elections, the freedom of opinion in the exercise of the elective franchise must perish, and the ballot-box become a mere form to carry out the decrees of power. It is in the power of the General Government with the public money to buy up the public press, and make it a false witness between the rulers and the people. It is in the power of the General Government, through the agency of the public officers and the Treasury Department, to wield an influence over public opinion dangerous to the liberties of the country. The nation, therefore, look to this administration to keep its power at a distance from the polls, and leave the selection of public agents to the unbiased judgment of the people.

This great right of election was reserved by the people, to enable them to maintain their sovereignty. Whenever the exercise of this right shall cease to proceed from a free and virtuous people, and shall be guided and corrupted by the influence of the Federal Government, the power and freedom of the people are gone.

Sir, what is the present gloomy condition of our public affairs, in regard to this view of them? Have not the people every where beheld the federal officers bearing, with all their force, in perfect concert, on elections? Have we not seen them appointing electioneering meetings of the people, and holding political conventions to control public sentiment, and devoting their industry and their means to influence votes? Do we not see that thirty millions of the public money is now in a position where it can be easily brought into conflict with the freedom and purity of elections? Who is it that has of late run a political race on the side of power that does not feel conscious that he was lifted up and borne along by it? Who has run against this power that does not know at every step he was pulled back by it? That the whole power of the Federal Government is now exerted throughout the nation, with wakeful vigilance, to control the next election, is a matter of public notoriety. Does not the proclamation which has gone forth, that all the honors and revenues of the republic are lawful spoil, to be divided among the victors in the desperate scramble for power, avowedly bring the offices and treasure of the nation into the political market, to be bartered for votes and influence?

The principles of this administration are not found in the inaugural address of the 4th of March, 1829.

None of the professions of this administration have attracted more of public attention than those which related to the suppression of paper money and the extension of a metallic currency. Under these professions, what has been accomplished? The administration struck down the best currency in the world, of equal value in all parts of the Union—everywhere preferred to gold and silver. The bank that issued this currency was the only means ever discovered by which the State banks could be checked and regulated, and the currency preserved sound, and the constitutional power of the General Government to fix the standard of value maintained—a means that had received the sanction of Washington and Madison, and its benefits established by the experience of half a century. Since the overthrow of this long-tried system, upon which all commercial relations reposed in security, in place of a currency of the precious metals, the following statement will show the wretched condition of the currency, and the alarming increase of paper money called into existence by the influence of the General Government:

In 1832, there were in the United States 330 banks.	
Circulation, - - - -	$61,000,000
Aggregate capital, - - -	145,000,000
In 1835, there were 604 banks.	
Capital, - - - - -	400,000,000
Notes in circulation, probably, -	200,000,000

So that, since the delusion was got up about gold and silver, banks and bank notes and paper money have more than doubled. Since the prostration of the bank that could hold the local institutions in check, the States seem to be moving forward with a spirit of controversy which shall deluge the land with the deepest and broadest sluices of paper money. And thus, in violation of the spirit of the constitution, the power of regulating the currency is given up to local banks, and we are thrown back into all the evils of depreciated bills of credit, against which it was one of the main objects of the constitution to guard.

All men of forecast know that, upon the first great reverse in our commercial relations, we are destined again to experience all the train of calamities which will flow from the depreciation of the millions of paper money now in the hands of the people. They know that labor will again be robbed of its earnings, and the property of the people sacrificed at public auction.

The appearance of things at present is delusive. The exorbitant prices of property are not signs of real health and vigor in the body politic; they are rather delusive symptoms of a bloated plethora.

In the face of existing appearances to the contrary, I warn my friends and my constituents, and my country, to be prepared, as well as they can, for the realities that lie behind the present temporary delusion.

Mr. Speaker, permit me here to digress from the consideration of our domestic affairs for a few minutes, for the purpose of inquiring what are the principles of this

administration in regard to its intercourse with foreign nations.

Although the unfortunate difference with France is settled, yet there are some views in relation to it which ought never to be forgotten. In the year 1830, the French Covernment took offence at a passage of the President's message to Congress in 1829, which was construed to be disrespectful to France. It was then determined by the administration that a difference so trivial, proceeding from a misunderstanding, should not interrupt the friendly relations with our ancient ally that stood by us in the darkest days of the Revolution, and that it should not interfere with or suspend the pending negotiation.

Mr. Rives, our minister at the French court, promptly explained the President's message in a satisfactory manner, and communicated the result to his Government; and the following extract of a note from Mr. Van Buren, then Secretary of State, to Mr. Rives, by order of the President, will show how well satisfied he was with the explanation which Mr. Rives had given to the French Government of his message of 1829:

DEPARTMENT OF STATE,

Washington, April 2, 1830.

"SIR: Your several despatches, to No. 14, inclusive, have been received at this Department, and submitted to the President. He approves fully of your reply to the observations of Prince Polignac in regard to portions of his message to Congress which refer to the state of our affairs with France. It contains, as far as it goes, a fair exposition of his sentiments upon the point alluded to."

But as it is customary among civilized nations, in friendship and peace, to treat each other with marked respect, even in their official communications between departments of the same Government; and lest the impression should still remain in France, that the President intended a menace in his message of 1829, and the negotiation thereby be injured, Mr. Van Buren, under the orders of the President, gave a still more ample explanation of the message of 1829 to the French Government, as fully appears by the following extract of a letter to our minister at the French court:

"The friendly predilections which have so long existed between the citizens of the United States and the subjects of his Most Christian Majesty; the unceasing endeavors of this Government to place the relations of the two countries upon the footing of a still more friendly and mutually beneficial intercourse; the liberality displayed by the United States, in not pressing upon France, in the hour of her difficulties, the immediate discharge of her responsibilities to our citizens; the undeviating delicacy with which they have presented their claims in the season of prosperity, and the patience with which they have awaited the result, are considerations which should dissuade the King of France from too readily construing into a tone of menace the frank, but not unfriendly, language in which the President has expressed the sentiments of the Government and people of the United States. The President has no desire nearer his heart than that of preserving the most harmonious relations with all the world, but particularly with his Majesty the King of France. It was to enable him more certainly to obtain the fulfilment of the first wish of his heart, that he called the national attention, in a spirit of regret and apprehension, to the possible consequences of a protracted continuation of the present untoward state of things. A brave and generous mind never assumes an attitude of menace, as long as any thing can be hoped from a love of justice and a regard to the rights of others. On neither of these, as motives, on the part of his Most Christian Majesty, to a fair adjustment of this most fruitful source of misunderstanding between the two countries, has the President ever entertained a doubt."

In 1835 there again occurred the same difficulty. The French King understood the President's message to Congress in 1834 to charge his Government with bad faith, and as placing this Government in a menacing attitude towards that of France. The President admitted, without reserve, that, in his message of 1834, he did not intend to charge the French Government with bad faith, or to make any threat, or to convey any affront whatever, but that he would not explain this misunderstanding to France.

In the progress of the negotiation between the two nations, the controversy was at last narrowed down to the mere misunderstanding as to a passage in the message of 1834. And upon this point it was decided to devote this nation to the hazards of war, rather than say to the French Government it had placed a meaning on the message which the President admitted he did not intend to give it.

The following are the positions taken in 1835 by this Government:

1st. That a foreign Government, in its intercourse with our own, has no right to take any notice whatever of any communication made by the President to Congress in the discharge of his official duties, and, consequently, no right to demand an explanation of the purport of any such message, whatever imputations it may contain, and however offensive and imperious its terms may seem.

2d. That to give or offer such explanations would be to admit the right to claim them, and that such an admission, by subjecting the Executive, in the discharge of a constitutional duty, to the interference and control of a foreign Power, would be inconsistent with the character and dignity of our Government, and a virtual sacrifice of the national honor and independence.

This principle, that a foreign nation should not be permitted to inquire into the meaning of a message of the President to Congress, was held to be so vital, so connected with our national independence, that it was said in debate here by one in confidence, [Mr. CAMBRELENG,] that, if the nation was flowing in blood from Maine to Orleans, the misunderstanding with France would not be explained.

The misunderstanding of 1830 and 1835, occurring between the same nations, upon a point in all respects precisely similar, was in the first case freely explained; and in the last, war was deemed preferable to explanation. Whether the administration was right in 1830 or 1835, I will not undertake here to decide; but every candid man must see that if the same course had been pursued in the last instance that there was in the first, there would have been no occasion to break the ancient friendship between America and France with any talk of war. Whether the case of 1830 or that of 1835 will be regarded in Europe or America as containing the principle of this administration in regard to the subject, no one can tell, as the two cases were alike and the decisions opposite.

In 1830 a French treaty was very much desired, and it was very popular, and was made to cut a great figure in the elections of that time. In 1835 there was a large surplus in the Treasury, and the money and the apparent necessity for fleets and armies were well calculated to induce the nation to consent to such an increase of expenditures as would place the surplus under the control of the Federal Government, and defeat the division of any portion of it among the States.

Sir, I will now return from this foreign disgression to our domestic concerns again.

The present dominant party owes its elevation to pow-

er more to the promise to retrench the expenses of the Government than to any other cause. This string was struck oftener in the canvass from 1825 to 1829 than any other. "The party," before they came into power, and when they were seeking votes, told the people of this country that the expenditures of the Federal Government were prodigally, dangerously, wastefully extravagant; and that, if they were invested with power, they would speedily introduce such a system of reform and retrenchment as would bring back the Government to the Jeffersonian economy. The people believed these representations, and put their faith in these solemn pledges of reform; which were a thousand times repeated.

"The party" being snugly seated in power, these pledges were soon forgotten. We have seen seven years glide away, and the first effective movement for retrenchment has not yet been made. In place of retrenchment, we have, during these seven years, seen annual millions added to the wide-spread extravagance of the public expenses. Sir, in my remarks, I intend to rely upon no facts except those that are established by documents that none can question. What I am about to state in regard to the public expenses is taken from a report made to this House by the Secretary of the Treasury, Mr. Woodbury, on the 4th day of January, 1836, and which I now hold in my hand. This report shows the annual expenses of the Government from 1816 to 1834, inclusive; this, together with the estimates in the last annual report of the same Secretary for the years 1835 and 1836, shows the expenses of this administration, provided the appropriation bills conform to the estimates. The following tabular statement, extracted from said report, shows the annual and total expenditures for the eight years of this administration, from 1829 to 1836, inclusive, contrasted with the annual and total expenditures of the preceding eight years, from 1820 to 1828, including the four last years, eight years of Mr. Monroe's administration, and the four years of Mr. Adams's, showing also the amount paid annually of the public debt during both terms:

Annual and total expenditures from 1821 *to* 1828, *inclusive.*		*Payments during the same time of public debt.*	
1821,	$19,710,136 40	1821,	$8,367,093 62
1822,	15,103,343 21	1822,	8,568,949 12
1823,	15,314,171 00	1823,	5,530,016 41
1824,	31,878,538 47	1824,	16,568,393 76
1825,	23,585,804 72	1825,	12,095,344 78
1826,	24,103,398 46	1826,	11,041,082 19
1827,	22,656,764 04	1827,	10,003,668 39
1828,	25,459,479 52	1828,	12,163,438 07
Total,	$177,831,635 82	Total,	$84,337,986 34
	84,337,986 34		
	93,493,649 48	exclusive of public debt.	

Annual and total expenditures from 1829 to 1836, *inclusive.*		*Payments during the same time of public debt.*	
1829,	$25,044,358 40	1829,	$12,383,867 78
1830,	24,585,281 55	1830,	11,355,748 22
1831,	30,038,446 12	1831,	16,174,378 22
1832,	34,356,698 06	1832,	17,840,307 29
1833,	24,257,298 49	1833,	1,543,543 38
1834,	24,601,982 41	1834,	6,176,565 19
1835,	18,176,141 07	1835,	59,150 07
1836,	23,133,640 00	1836,	50,000 00
Total,	$204,193,846 10	Total,	$65,583,562 15
	65,583,562 15		
	138,610,283 95	exclusive of public debt.	
	93,493,649,48		
	$45,116,634 47		

This is the amount of the increase of the public expenditures from 1829 to 1836, over the preceding eight years.

Amount of public debt paid from 1821 to 1828, $84,337,986 34.

Amount of public debt paid from 1829 to 1836, $65,583,562 15; making the amount paid from 1821 to 1828, $18,754,424 19 more than the payments from 1829 to 1836.

But the people have been told that the reason why the expenses of the Government were so much increased of late was because the present administration had paid off so much of the public debt more than had been previously paid in the same space of time. So far from this being true, the foregoing table shows that there had been paid in the eight preceding years $18,754,424 19 more than during this administration; yet we have seen public festivals and rejoicings upon the point of the transcendent merit of having paid the public debt.

In regard to the payment of the public debt, no President, since the year 1817, deserves either praise or censure, more than the man in the moon.

Those who passed the law of 1817, for the redemption of the public debt, and the people of the United States, whose industry and enterprise filled the public Treasury, deserve all the credit for the payment of the debt.

Although it is not in place, I will here present a view that will show that the proceeds of the sales of the public lands should be taken from the control of this Government. Under our revenue system, the money power is almost irresponsible. The price of the public lands not being paid by the people in the form of a tax, their attention is not sufficiently directed to the subject to hold their representatives accountable how they use it. This administration presents a signal instance of the truth of what I say; they are held to no responsibility for substituting an increase of the public expenditures of over forty-five millions of dollars, in place of retrenchment, while they are dividing the public treasure as spoils among favorites. In the triumphs of present impunity, they can securely laugh at the simplicity of all those who believed that there was any thing serious in their promises of retrenchment and reform.

This signal instance of escape from public censure proves that our redundant income is paid under such circumstances that it can be squandered by a successful party in contempt of all the maxims of economy. By dividing the public treasure among a sufficient number of partisans, exemption from responsibility can be secured. The only cure for this evil, the only way to restore accountability, is to take the control of the proceeds of the sales of the public lands out of the hands of this central power, and give them to the States.

The principles of this administration are not to be found in retrenchment, in the economical management of the public finances. So far, professions and practices have run in directions exactly opposite.

I will now refer to two other documents, which do contain the principle, with a view to which this administration has been conducted, and by the aid of which it has attained its dangerous ascendency. These principles were imported from one of the States, where they had been tested; and, since their adoption as the basis of federal action, have already wrought a revolution in the theory and practice of our Government.

We are informed by the President, in his veto of the land bill, that "money is power!" and we are informed by him, in his protest, that "the whole executive power being vested in the President, who is responsible for its

exercise, it is a necessary consequence that he should have the right to employ agents of his own choice."

Again: he says in the same paper, speaking of the Secretary of the Treasury, "that he was an executive officer, the mere instrument of the Chief Magistrate in the execution of the laws."

From these explicit declarations that "money is power," and that the executive officers of this nation are the mere instruments of the President, the principles are revealed which have been the basis of that extraordinary ascendency to which all the checks of the constitution have opposed so feeble a resistance.

By the original theory and practice under our constitution, the public officers were held to be the agents of the people, bound to discharge their duty according to law, and in the selection of whom regard should be had only to integrity and qualifications; and to remove any one of whom, for opinion's sake, by the Chief Magistrate, would be good cause of impeachment. But now, when they are no longer deemed agents of the people, but the mere instruments of the Executive; when they are no longer bound to discharge their offices according to law, but are required to yield obedience to the will of the President; when their continuance in office no longer depends on able and faithful service to the country, but upon unconditional submission to the dictates of power, the character of our Government is changed, and a distinct and rival interest is established between the public officers and the people; the entire agency by which the whole operations of the Government are conducted is thus brought under the control of one man.

The first effort to bring the money power into the same hand was displayed in the proposition to establish a national bank, as an instrument of the Treasury, upon a capital of public money. The next was seen in the endeavors to subject the Bank of the United States to governmental dictation.

These schemes having failed, and the complete control of the money power having been resolved on, the responsibility was taken, and the public money seized, and is now under the control of no law, placed where the representatives of the people have no power to go and examine whether it be safe or unsafe, or whether it be used for lawful or unlawful purposes. The vast revenues of this republic, between the times of collection and disbursement, are used at the discretion of a single mind. At this moment over thirty millions of dollars, the property of the people, are, through the instrumentality of deposite banks, loaned out, to whom we have no means of knowing, and for what design we can only conjecture. By making a call for the public deposites, the Secretary could crush any of these deposite banks any day he chooses; this gives a control over the capital of the States, as well as that of the nation. The power wielded in the Federal Treasury can put up and put down banks at pleasure. It can regulate the price of stocks and property; it can enrich friends and impoverish enemies. It can send millions into a State or city before an election, to be used, without interest, to reward obedience, or it can withdraw millions to punish disobedience. The Treasury of the United States is the great central fulcrum that sustains the levers by which ambitious aspirants are raised to power.

There are other views which show more clearly the length and breadth, and height and depth, of the all-ingulfing power of money. The President having the appointment of the agency by which the Government is conducted, has, of course, the selection of the hands into which the public treasure shall flow; which enables him to make all officers, and all seekers of office, his "mere instruments."

The power derivable from the use of money was not anticipated at the adoption of the constitution. The Treasury was then empty; and in those good old times of honest simplicity, even the sagacious mind of Patrick Henry did not foresee that the use of money would become the principal element in that executive power which he predicted would destroy the liberty of his country. Thus the money power has been matured and organized, not by the President, not for his use, for his fame was enough for him, but by others under the shade of his military reputation; by a far-reaching sagacity has this golden ladder been erected, upon which they are to climb to greatness in time to come. The operations of the money power have produced effects before which the world has stood astonished; because the secret springs and principles of action were carefully concealed from the public eye. Throughout, we have seen professions and practices running in opposite directions; and yet we have heard the shout of applause as loud for the breach as for the promise. Hence the saying that "the popularity of General Jackson can stand any thing." It is the power to bestow money and office that can stand any thing. General Jackson's power ends on the 4th of March next, but the money power is to be transferred to other hands, where it will continue to do its work. When our venerable President descends from his exaltation, he will see human nature as it is. Of the thronging thousands that revolved in servility around his power, he will find how many crooked their knees for thrift, and how many out of respect for him.

This money power, shielded from all responsibility, from all public inspection, pervading the whole Union, operating upon all interests, brought to bear upon the hopes and fears of millions, is the most ingenious contrivance that was ever devised by the wit of man; and is sweeping along in its wake the right of suffrage, the freedom of the press, State and national legislation.

The declaration that "money is power" is most true, alarmingly true. All the hopes of the friends of human liberty, that free government could be maintained, were reposed upon having its operations conducted by officers of integrity and capacity, who were devoted to the people, and not to power. It is impossible that free government can last unless its affairs be managed by such agents.

Having ascertained the principles and the means by which federal power is making its rapid marches over the ruins of the constitution, the question is, whether we shall take away from it the money, which is the bone and sinew of its strength, and give it to the people, to build up their rights and restore their ancient and constitutional power in the Government.

Having disposed of the preliminary inquiry into the present character and tendencies of federal power, I will now proceed to the investigation of the main question, What shall be done with the surplus revenue?

At this very interesting point of our history, when it is our duty to make a new movement which will vitally affect the dearest interests of our country for many years to come, we surely ought to rise above present or mere party considerations, and look at the future consequences which will in all probability result from the adoption of each of the three plans which have been suggested of disposing of the public money. I will now proceed to consider them in order.

1. As to the propriety of leaving the surplus to accumulate from year to year in the Treasury, and be disposed of as it now is, according to the discretion of the Executive. Some of our ablest calculators tell us that, by January next, there will be fifty millions, and certainly, if unused and unwasted, it would in a few years amount to hundreds of millions. It is evident that, so soon as the amount exceeded all the specie in the United States, every State bank would be in the power of the Treasury, and this system must soon make them all instruments of

the Treasury. The political uses and abuses to which the Government could devote these vast sums have already been very briefly noticed. This view of the subject presents to the minds of the friends of a cheap and a pure republican Government anticipations the most gloomy. But, sir, in addition to the political objections to this employment of the public money, there are others entitled to grave consideration.

It is now most evident that the condition of the public treasure is unsafe. Our revenue is collected in the notes of a great number of State banks, which, in all probability, in the first commercial shock, will become valueless, as they did heretofore. There is of the public funds now deposited in the thirty-five local banks, $30,678,879 91 They have of private deposites, $15,043,033 64; and notes in circulation, $26,243,688 36. Making, in all, $71,965,000 91, and but $10,198,659 24 of specie—about $7 of debt to $1 of specie. There is now due to the Government alone from these banks more than three times the amount of their specie.

The following aggregates exhibit the condition of the thirty-five deposite banks on the 1st February:

Loans & discounts,	$65,439,908	Capital,	$42,356,088
Domestic exchange,	27,149,935	Treasurer U. S.,	28,239,744
Real estate,	1,815,238	Public officers,	2,439,135
Due from banks,	15,712,977	Due to banks,	14,879,161
Notes of other banks,	9,573,089	Contingent fund,	840,270
Specie,	10,198,659	Profit and loss, discount and interest,	3,189,932
Foreign exchange,	406,542	Circulation,	26,243,688
Expenses,	96,591	Private deposites,	15,043,033
Other investments,	8,777,228	Other liabilities,	5,937,045
		Difference,	1,970
	$139,170,171		$139,170,171

Sir, what will the people of this country say when they come to understand these facts, and see the present hazardous condition of their money? Would any prudent man risk his own money under such circumstances? If it would be madness for a man to act so in private life, is it not something more than madness for the servants of the people to act so with their money? In a trust capacity public agents are surely bound to act with as much care as a prudent man would with his own.

But it is not at all improbable that the condition of the people's money is far worse than appears from the reports of these banks. How do we know that these reports are true? We have not the power to examine these banks, and count their money. We know that the deposite banks formerly robbed the Treasury of millions, and made reports that they were safe up to the hour of explosion. Who ever knew a bank that intended to break to apprize the public of it beforehand?

But, sir, mystery is stamped upon the front of this report. These thirty-five pet banks, in counting up their means to pay their debts, say they have $8,777,228 79 in "*other investments*"—but they have concealed from the public what they mean by "*other investments*." But the friends of these banks contend that, although they have not the means in hand to pay the public deposites, yet, by calling on their debtors, they could pay. A call upon their debtors for the amount of the public deposites, upon a sudden emergency, would make an earthquake in the whole paper system of the United States. But we have no means of knowing whether the persons who have borrowed the people's money from these pet banks are either able or willing to pay. I never have known a bank that was managed for political purposes that did not sooner or later break, and unless we speedily reclaim the public treasure, and place it in the custody of the law, millions of it will be lost. But, sir, the loss of the whole would do much less public mischief than will be done by leaving it where it is, to be used as it is.

But there is another objection to this mode of using the public money, arising from the injustice of the distribution. The public revenue is used as a banking capital; and while the city of New York has the benefit of ten millions, and the Territory of Michigan over a million and a half, which it seems is principally loaned out in New York and Albany, the State of Kentucky has not the use of a dollar in such way as to contribute to the general utility. It is true that a small bank in Louisville has a small sum; but this bank issues no notes, and the circulating medium is not thereby increased. The interest on $30,000,000 is $1,800,000 per annum, which is given in spoils to favorites; the people deriving not one cent of interest for the use of their money, and running a great risk of losing the principal. The two banks in Michigan have both together but a capital of $569,779 99, and of specie but $97,902 33; yet it seems that, during the year 1835, more than three millions of the public money has passed through their hands. And it seems that they are in the habit of loaning out the public moneys in the cities of New York and Albany for profit. The money of the people has been taken from the custody of the law, and used, regardless of all the maxims of prudence for its safety, and with equal disregard to justice in its distribution. Yes, at this moment the money of the people of Kentucky, which they have earned by honest industry, is loaned out, gratis, to the shavers, and brokers, and speculators, and gamblers in stocks, in the city of New York and elsewhere. Every motive should impel us to pass a law promptly to restore to the people, upon the principles of justice and equality, the use of their own money, and thereby rescue it from hazard, and our institutions from corruption.

2. The second plan of disposing of the thirty millions is to increase the expenses of the Federal Government to that amount, in extensive military preparations; in the raising of armies, and in the construction of fortifications, and the building of a navy.

To induce us to agree to a scheme of national defence, upon a scale much more extensive than has ever been deemed safe by any American statesman, we are emphatically reminded, since the war cloud has blown away, of the maxim, "in peace, provide for war;" and now, for the first time, we are urged to proceed immediately to lay the foundation of a system of preparation for war large enough to exhaust all our present and future means. I desire to know precisely in what sense and to what extent it is proposed to reduce this maxim to practice. In legislation, as in all the active business of life, there is but little information communicated by the reassertion of those general truths to which, in the abstract form, all men agree, because there is such a diversity in applying them so as to suit the condition of individuals and nations, that, in their abstract form, they convey no distinct idea to the mind. For example, the maxim that is now so earnestly pressed upon our attention, "that peace is the proper season to prepare for war," is sustained by general acquiescence. Yet there are no two nations that act upon this maxim alike. It is limited, or extended, or modified, so as to suit the institutions and condition of each nation, and the genius of the age.

In different ages, according as the spirit of peace or war happened to pervade the earth, we find the same nations varying the size of their navies and armies, to suit the condition of the times.

The maxim, that in time of peace nations should provide for war, as it is understood and practised in Europe at this time, so far as a standing military force is concerned, is exhibited in the following statements:

	Troops.		Troops.
France,	400,000	Netherlands,	77,500
Belgium,	110,000	Spain,	71,300
Great Britain,	100,000	Prussia,	222,000

	Troops.		Troops.
Bavaria,	53,000	Saxony,	12,000
Wurtemburg,	10,000	Hanover,	12,000
Hesse Darmstadt,	8,000	Baden,	8,000
Norway and Sweden,	50,000		

The population of the above States is supposed to amount to 103,045,700 souls; which, if correct, would give 11 soldiers to every 1,000 souls.

Assuming the free population of the United States to be 15,000,000, the proportion of soldiers of the present army is a fraction less than 1 to every 2,000 souls. Compared with the levy of troops on the population of the European States, it is as 1 to 22.

Total amount of Russian forces is 803,000.

Navies of Europe, including vessels of war, large and small.

France, built and building, - - -	359
England, built and building, - - -	548
Holland, - - - - -	97
Greece, - - - - -	92
Turkey, in 1827, before the battle of Navarino, had	90

Thus in Europe it is deemed consistent with the genius of monarchical Governments, taken in connexion with the fact that numerous kingdoms are compacted together with adjoining boundaries, liable at any time to sudden invasions, to keep always ready to march at a moment's warning, a strong army, and to maintain powerful navies. But sir, in America, the understanding of the maxim under consideratton has been very different. Separated from the old world by an ocean three thousand miles wide, and having no powerful nation in our neighborhood, our geographical position renders a large standing force unnecessary. But that there may be no mistake about a matter so important, we will look into American history to collect the American sense upon the subject of armies, and fleets, and fortifications. At the commencement of General Washington's administration, the regular army was reduced to 1,216. In the time of the elder Adams, by the act of 27th April, 1798, the army was increased to 4,159. The act of May 28th, 1798, authorizes a provisional army of 10,000. In Mr. Jefferson's administration, the army was, by the act of March 16, 1802, reduced to 3,287.

The aggregate of the present army of the United States is 7,198. Aggregate of the navy, 52 ships.

After the experience we had in the late war, a system was adopted in 1816, for the gradual increase of the navy, and for the construction of fortifications, which system has been ever since pursued. Since the year 1816, we have expended, in fortifications, about fourteen millions of dollars; and for the increase and repairs of th navy, the sum of $22,092,287 73.

The whole military establishment, since 1816, has cost the sum of $133,273,415 75. In the same time, the whole naval establishment has cost $66,898,681 96. This, as it appears to me, is going fast enough. This progressive system will grow with our growth and strengthen with our strength, and will keep us supplied with a navy sufficiently large and fortifications sufficiently numerous. This progressive system of improving our national defences can be carried on without any increase in the annual expenses of the Government, and leave thirty millions in the Treasury for other uses. The present expenditures are now as great as can be used. We have a report from the proper Department that there is remaining in the Treasury eight million unexpended of former appropriations; we are officially informed that hands cannot be found and employed in the United States to exhaust the appropriations that are now annually made for the public works. Then where is the utility in making large appropriations, which are to remain unexpended? Such appropriations may defeat the passage of the land bill, but they will not advance the public works.

In further illustration of the American understanding of how far it is prudent to provide for war during peace, let us see what General Jackson has said on the subject, a man renowned for his warlike achievements, and who may be supposed as friendly to strong national defences as any American statesman ought to be. In his inaugural address on the 4th of March, 1829, he lays down his creed in regard to our military peace establishment in the following words: "Considering standing armies as dangerous to free Governments in time of peace, I shall not seek to enlarge our present establishment."

And in his first message to Congress in 1829, he says: "In time of peace we have need of no more ships of war than are requisite to the protection of our commerce. Those not wanted for this object must lie in the harbors, where, without proper covering, they rapidly decay; and, even under the best precautions for their preservation, must soon become useless. Such is already the case with many of our finest vessels; which, though unfinished, will now require immense sums of money to be restored to the condition in which they were when committed to their proper element. On this subject there can be but little doubt that our best policy would be to discontinue the building of ships of the first and second class, and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of our vessels which we can float in a season of peace, as the index of our naval power. Judicious deposites, in navy yards, of timber and other materials, fashioned under the hands of skilful workmen, and fitted for prompt application to their various purposes, would enable us at all times to construct vessels as fast as they can be manned, and save the heavy expense of repairs, except to such vessels as must be employed in guarding our commerce."

In two subsequent messages the propriety of keeping a navy afloat in time of peace only sufficient to protect our commerce is maintained, and the propriety of accumulating timber in the navy yards is enforced, in place of building new ships. From all which it appears that, in the judgment of General Jackson, no provision should be made for the extension of our peace establishment; that our navy was sufficiently powerful for the protection of our commerce, and that it was better to lay up timber than to build new ships.

From this view we can collect the sense of this nation as to how far we should go in peace to provide for war.

The American practice, which was established and has been sustained by all the patriots and sages who have gone before us, was not in reference only to our geographical position in the world in regard to other nations, but was mainly produced by the warning voice of history, by which we are taught that the instances are very few where nations have been conquered by foreign invasion, but very numerous where their liberty has been overthrown by their own rulers; that the liberty of nations is in far greater danger from their own powerful fleets and armies, with a Cæsar at their head, than from all foreign enemies combined.

Now, the question is, whether we shall, under the temporary impulses of party excitement, abandon the American and adopt the European system of providing for war during peace? Whether republican America shall raise her military peace establishment to come in competition with the establishments of the monarchies of the old world?

But, sir, if it were wise to apply our whole resources to the public defences, the extension of the fortification system is not the best for the attainment of the object. The extent of our country renders it impossible to resist foreign invasion by means of fortifications. The maritime frontier of the United States, from Passamaquoddy to the mouth of the Sabine, following the shores, is over

six thousand miles, one third of which belongs to the Gulf of Mexico; the northern and lake frontier three thousand miles more. This, added to the almost boundless western frontier, makes it apparent that, if the whole surplus produce of the labor of the people of the United States was forced from them in taxes, it would not fortify this vast empire so as to protect it from invasion. And if we had fortifications ready made, on convenient points, on the whole frontier, it would require a standing army of several hundred thousand to man them and preserve them. The number of fortifications, from necessity, must be limited to the defence of the cities and the exposed points. The number of fortifications already projected is greater than was required. Fortunately for the nation, it has in its power means of defence more cheap and more efficient. The bulwarks of our liberty are to be found in the hearts of a brave people, and not in the stone and mortar of forts. The bravery of a gallant people, in defence of their homes and their country, has carried us successfully and gloriously through two wars with the most powerful nation in the world. The rational means of national defence for such a people in time of peace, is to protect them by wise and equal laws, and to lighten their burdens by a cheap and pure administration of the Government, so that they may prosper and grow in strength, and power, and intelligence, and in wealth, so that their confidence in the Government may be established. All the enemies of freedom combined could not conquer such a people so governed. On the contrary, an extensive military establishment, which would oppress the people with heavy taxes, would check their spirit; would paralyze their industry; would wear away their attachment for the Government; would, in the end, change the national character, and prepare the way for a Bonaparte, at the head of the national guards.

There is a mode of expenditure more efficient for the attainment of the object than is to be found in standing armies and in fortifications. In an extensive country the success of modern war depends upon the celerity with which armies and supplies can be conveyed from place to place. And as the strength of this vast nation, in men and means, must forever remain in the interior, and not on the frontiers—in the heart, and not in the extremities—the great means of military defence is to be found in the construction of roads along which men and provisions can be thrown to meet danger, wherever it may approach the borders. For example, if there were a railroad from Lexington to Charleston, supplies of men, and arms, and cannon, and provisions, could be conveyed along the whole line in a few days, and the enemy met and repelled before he had time to do mischief. In this view of the subject is not a road, with a view to military defence, better than a fort? Say at Charleston there was an impregnable fortress, an enemy, of course, would not land within the range of its guns. He would keep at a respectful distance, and advance upon undefended places. Upon ordinary roads it would require months to move an army and heavy military munitions from the interior to Charleston, in South Carolina, to meet the foe. In this view, which is the best means of national defence, forts on the frontier, or railroads, like veins and arteries, leading from the heart to the extremities of the body politic? While this is the most efficient, it is the cheapest possible mode of providing for war. The cost of transportation on ordinary roads, during the revolutionary and late war, is more than would construct roads, on the modern plan, wherever required in the United States. The cause which retarded the military operations in the late war, and kept our brave soldiers so often in a state of starvation, and exposed so many of them to slaughter, was the difficulty of supplying them by the modes of conveyance then in use.

But, sir, this mode of providing for war, by furnishing the means of rapid and cheap conveyance of men and supplies from one part of our extensive country to another, stands in favorable contrast with all other modes of providing for war, in several important views. Standing armies and fortifications are worse than useless in time of peace; they eat up annually millions of the industry of the people. But roads are alike useful in peace and war. In war they enable us to throw our power promptly to all places menaced with danger. In peace they furnish the means of rapid and cheap conveyance of the surplus products of industry to all the markets of the world. Money, and the means of sustaining armies, are the essential elements in modern war. Roads, by the commercial facilities which they would furnish in time of peace, would enrich the nation, and enable it to stand up under the burdens of war.

Then, sir, looking at this subject alone in its military aspect, I would reserve enough of our surplus treasure to strengthen and build up this great arm of national defence—the means of rapid transportation in war, and the means of enriching the nation in peace.

The next objection which I shall urge against the scheme of applying the whole income to the construction of ships and forts is, that it violates a great fundamental principle of public policy—a principle which has heretofore, in the administration of the finances, been disregarded, to the great injury of the Western country. The principle is this: as the public revenue is collected from all the people of the nation, in its disbursement it should be returned to the parts of the country from which it has been drawn, with as great a regard to equality as a due attention to the aggregate interest of the public will allow. I agree with my friend from Maine, [Mr. EVANS,] that the duties on foreign merchandise are paid by the consumers. I agree that, in the disbursement of the public money, the preponderance of the general good, and not the incidental benefit, should be the criterion. But I disagree with him that, in the expenditure of the public money, the incidental advantages should weigh nothing. It is true that the construction of a fortification in Kentucky, merely to secure the people the incidental advantage of the expenditure, would be ridiculous. But it would be equally ridiculous to make a road along the margin of the sea for the sake of the incidental benefit. It has pleased God so to form our extensive country, so to diversify the interests of different sections, that the enlightened statesman, in the conduct of our public affairs, will never find the general and incidental advantages of the Government to come in conflict. When the improvements are made which nature indicates should be on the frontier and in the interior, the general and local interests of the whole Union will be sustained; and the preponderance of general good will be found in harmony with the incidental advantages of an enlightened administration.

Now, sir, this scheme of devoting our whole means to the navy and fortifications will perpetuate and fasten upon the country the unjust policy of expending the whole revenue of the republic on the seaboard—a policy that has long prevailed, to exhaust the West to enrich the East.

Sir, let us pause here for a moment, to consider how the flagrantly unjust and partial expenditure of the public money on one side of the Union, for the support of only part of the great national interest, first took its rise, and how it has been continued. When the constitution went into operation, all the States then in existence were situated on the Atlantic ocean. That instrument (as was natural) received such constructions, and was reduced to practice so as to suit the then existing interests of the people. They then depended on foreign commerce for the exchange of the surplus products of

their industry. To facilitate this foreign commerce, the system which has since cost the nation millions on millions was commenced, of making breakwaters, piers, improvement of bays, inlets, harbors, the mouths of rivers, and light-houses, &c. But, since the adoption of the constitution, the number of the States has doubled, or will, probably, in a few days; the nation has spread over the interior of the continent; an internal commerce has grown up far more valuable than the foreign commerce; yet there are still many good people in the old States who believe that ours is a salt-water constitution, and that it would be the most unconstiutional thing in the world to spend a dollar of the public money above the ebb and flow of the tides. Such, sir, is the force of old habits of thought, especially when interest happens to run in the same channel. The clause in the constitution which has been construed to confer the power on Congress to make improvements for the benefit of foreign commerce, reads in the following words: "Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." Although the very same words are used in regard to foreign and domestic commerce, yet many of our Atlantic brethren, while they are willing to expend millions to protect, defend, and facilitate foreign commerce, believe it would be exceedingly unconstitutional to give a cent for the security and facility of interior commerce. But, sir, the time has arrived when this salt-water exposition of the constitution must give way to the progress of the national expansion. Our constitution was formed for the continent, and not for the seaboard. Its scope is sufficiently broad to comprehend within its beneficent provisions every part of our extended and extending country.

Sir, the present unjust scheme of confining the national defences to the building of ships and the erection of fortifications, and the application of our whole means to these objects, will perpetuate this old rotten partial system of expending all the public money on one side of the country. One reason why a system so revolting to reason, and so prostrative of justice, has been so long continued, is this: "money is power;" and this mode of partial expenditure, while it has exhausted the West, has so enriched the great cities on the seacoast, that they have acquired an undue influence upon the legislation of the country.

Since the year 1791 there has been very nearly a thousand millions of dollars collected from the people of this country, and expended by this central Government. Of this vast sum, the Western country has paid its full proportion; yet the people of that country have been doomed for near a half century to see their substance flow into the national Treasury, and from thence poured out in profusion along the maritime frontier.

To conclude this branch of the subject: I am opposed to voting all our means to a navy and forts, because it would be the adoption of a radical change in the policy of our Government, upon the spur of the occasion, without consulting the people; because it would lay the foundation of a large standing army, and bring heavy charges on the country; because the building of ships and forts is not the only nor the best way to provide for the national defence; because it would perpetuate a partial system of disbursing the public treasure, by giving it all to the seaboard; and because it would lead to such a vast increase of the expenses of the Government, and consequently to such an extension of its power and patronage, that our liberty would be rendered unsafe.

Having first reasoned to show that our revenue should not be suffered to accumulate in the Treasury; and, secondly, to prove that it should not all be expended on the seacoast, in ships and fortifications; I will now, in the third and last place, attempt to prove that so much of it as has arisen, and will arise, from the sales of the public lands, ought to be divided among the States. This plan stands recommended by the fact that it has been long and deliberately considered and approved by the people, it having at a former session passed both Houses of Congress by large majorities, and has received the approbation of many of the State Legislatures.

Sir, what is the state of the case? We now have in the Treasury $20,571,125 75, which has accrued from the sales of the public domain, (which is the common property of the people of the United States,) over and above the wants of the Federal Government. Now, the great question is, whether this large sum of money shall be divided among the States, to be expended under their own councils, for the improvement of the condition of the people; or shall it be added to the swelling flood of federal expenditure, to raise still higher federal power, and extend the range of federal patronage to a broader circumference? Shall the whole of our surplus revenue be thrown into the Maelstrom, the grand whirlpool of centrifugal extravagance, where it will draw after it the remaining barriers of freedom into the same gorge? These are the weighty questions on the decision of which hangs the fate of liberty. If the division among the States should take place, the following statement will show the proportion of each State of what is already in the Treasury:

	Federal population.	Share for each State.	15 p. c. to new States.	Total to new States.
Maine	399,437	689,028		
New Hampshire	269,326	464,587		
Massachusetts	610,408	1,052,953		
Rhode Island	97,194	167,659		
Connecticut	297,665	513,472		
Vermont	280,657	484,133		
New York	1,918,553	3,309,503		
New Jersey	319,922	551,865		
Pennsylvania	1,348,072	2,325,424		
Delaware	75,432	130,120		
Maryland	405,843	700,079		
Virginia	1,023,503	1,765,554		
North Carolina	639,747	1,103,563		
South Carolina	455,025	784,918		
Georgia	429,811	741,423		
Kentucky	621,832	1,072,660		
Tennessee	625,263	1,078,578		
Ohio	935,884	1,614,400	230,844	1,845,244
Louisiana	171,694	296,172	67,561	363,733
Indiana	343,031	591,728	325,485	917,213
Illinois	157,147	271,078	483,760	754,838
Missouri	130,419	224,972	174,354	399,326
Mississippi	110,358	190,367	788,403	978,770
Alabama	262,508	452,826	541,940	994,766

It is estimated that the annual receipts from sales of the public domain will in future be ten millions of dollars. From this data a calculation can easily be made of the proportion of each State for any given number of years. If the land bill should pass, I have no doubt but the principle of it will become the permanent policy of the country. There is yet in the limits of the United States more than a thousand millions of acres of unsold land; it would supply ample funds for the States for centuries to come. What stupendous results might be produced upon the power, the agriculture, the commerce, the wealth, the comfort, the intelligence, and happiness of the people of the United States, by this application of their great public domain! This comprehensive, this all-pervading, this equal, this magnificent plan for the disposal of the proceeds of the sales of the public

lands, in practice a few years, would exhibit a degree of improvement in the United States surpassing all the nations of the earth. The modern system of constructing roads and improving rivers, with the full development of the power of steam, would bring the distant parts of the country so near together, that constant intercourse, mutual interest, and commercial exchanges, would mould the discordant parts into a homogeneous national character, which would be the best guarantee for the perpetuity of the Union, and the durability of American liberty.

While the interests of the whole country would harmoniously unite in this great measure, the Western country has a right especially to call aloud for its adoption, where, for reasons already given, the constitution has never been considered in full force. The present condition of the Treasury furnishes the means to extend the fostering care of the Government to all the great interests of the whole Union, and forever to wipe out the reproach of favoritism to one portion of the country, to the oppression of another. Kentucky, although entirely neglected heretofore, though deprived of a fair participation in the benefits of the Government, has never complained at sustaining her share of its burdens. A full proportion of the taxes has always been paid, and in the two wars more than her proportion of blood was shed for the general defence. Ever since the year 1791 she has looked on at a partial administration of the public finances, by which her substance has been drawn away, and devoted to improvements in which she had only a remote and consequential interest. And while the public money has been thus disposed of, what disposition has been made of large portions of the public lands?

The following table will show the liberal grants which have been made by Congress to the new States:

State or Territory.	Appropriated for internal improvements, education, or charitable institutions.				Lands appropriated for seats of Government.	Saline reservations.	Aggregate appropriations for each State and Territory.
	Number of acres for internal improvements.	Number of acres for colleges, academies, and universities.	The one thirty-sixth part of public lands appropriated for common schools.	For religious and charitable institutions.			
Ohio,	922,937	92,800	678,576	43,525	-	-	1,737,838
Indiana,	384,728	46,080	556,184	-	2,560	23,040	1,012,592
Illinois,	480,000	46,080	977,457	-	2,560	206,128	1,712,225
Missouri,	-	46,080	1,086,639	-	2,449	46,080	1,181,248
Mississippi,	-	46,080	685,884	-	1,280	-	733,244
Alabama,	400,000	46,560	722,190	23,040	1,620	23,040	1,216,450
Louisiana,	-	46,080	873,973	-	-	-	920,053
Michigan,	-	46,080	543,893	-	10,000	-	599,973
Arkansas,	-	46,080	950,258	-	-	-	996,338
Florida,	-	46,080	877,484	23,040	1,120	-	947,724
Aggregate,	2,187,665	508,000	7,952,538	89,605	21,589	298,288	11,057,685

Kentucky led the way into the Western wilderness, and fought the battles for the conquest of the Western lands, and now sees them partitioned out among new comers, and herself excluded from all participation.

But notwithstanding the long exclusion of Kentucky from a full and fair enjoyment of the benefits of the General Government, she would disdain, and I, as one of her representatives, knowing her liberal and elevated spirit, would not venture to excite sectional feelings. She is for a policy that embraces the whole Union, and all the great interests of the Union. She is still willing, as she always has been willing, to vote money to the support of a navy, to protect our foreign commerce in peace, and to defend the country in war. Formerly, when the navy had shrunk away to nothing, under the frowns of the then ascendant party, the spell was broken, and the navy raised and called into favor by the voice of a Kentuckian—the same voice that has been heard for thirty years in all the times of national emergency. Yet some unknown person has written to the distant newspapers that myself and some of my friends had given a vote unfriendly to the navy. This unfounded slander is made manifest by the fact that I have voted, ever since I have been in Congress, for every recommendation of this administration for the benefit of the navy, and now stand ready to vote for the estimates sent in at the commencement of this session. Kentucky is still willing to contribute her proportion of the requisite millions to go on with the fortifications and all the national defences; she desires to abate nothing from the annual appropriations for the improvement of the seacoast. But while she is willing, as she always has been willing, to stand by and uphold the great interests of the other portions of the Union, she would be recreant to herself if she did not demand her rights in a tone that would no longer be patient under refusal. As we need no fortifications, no navy, no standing army, in the nature of things, the only great national interests which could be maintained by legislation in the West are education, and the construction of highways, along which the surplus products of industry could be safely, cheaply, and speedily, conveyed to market.

In former ages the interior of continents, cut off from the general intercourse of nations, remained in ignorance and poverty; but modern roads and steam power are rapidly working a revolution in human affairs. They are carrying into the most remote, interior, and secluded situations, enterprise, intelligence, and wealth, and all the improvements of civilized and cultivated man, which were in other days exclusively enjoyed by maritime countries. The great interest of the Western people is to have their roads and rivers placed in a condition to enable them to reap the advantages of the modern improvements in interior communication; and as the internal commerce of the United States has become so much more valuable than the foreign, reason, policy, and justice, unite in requiring that at least as much of the public money should be devoted to its protection. If it were not for old habits and antiquated prejudices in regard to foreign and domestic commerce, what reason could be given for the outlay of millions for the protection of the lesser, while not a cent is given for the promotion of the greater interest? If the surplus was divided, and Kentucky had the immediate use of $621,832, to which she would be entitled, and her annual proportion hereafter, she would then be on a footing with the other sections of the country; the people would be retrieved from the taxation necessary to pay the heavy debts which that State is incurring to carry on her internal improvements. She would be provided with the means to sustain a system of general education, and thus to improve the intelligence of the people, the only foundation upon which free government can securely rest. She would be re-

plenished with money; the wages of labor would be high, the prices of produce would be kept up, and the blessings of this munificent plan would be equally extended to improve the condition, and happiness, and security, of the poor and the rich, without distinction or respect of persons. Will any Kentuckian, any just man, say that Kentucky shall not enjoy her fair proportion of the price of the public lands—lands for the conquest of which her gallant sons spent their youth, their substance, and their blood—lands that they have redeemed from the forest, and made saleable and valuable by the sweat of their brow—lands that, by their enterprise, they have made to supply your Treasury with sixty millions of dollars?

Among the repugnant propositions which have been maintained by the administration, none are more striking than those relating to the disposition of the public domain. In the annual message of 1832 is to be found the following scheme of getting rid of the public lands. The Presiden tsays: "It seems to me to be our true policy that the public lands shall cease as soon as practicable to be a source of revenue, and that they be sold to settlers in limited parcels at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles, now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that in convenient time this machinery be withdrawn from the States, and the right of soil and the future disposition of it surrendered to the States, respectively, in which it lies."

This recommendation is repeated in the veto of the land bill; yet the principal reason given for the veto is because the public lands are common property, to which all the States have an equal right, and because the land bill gives a larger proportion of the proceeds to the new States than to the old.

According to these opposite views, it would be proper to deprive the old States of any share in the public lands whatever; yet to give the new States 10 per cent. more of the proceeds would be such injustice to the old States as to constitute good cause for a veto.

We now stand upon the point of time, we are now surrounded by the circumstances favorable to that great revolution in our national policy, by which the blessings of our free institutions, and the advantages of justice, shall be made to pervade the whole Union, and be carried home to the dwelling of every citizen, by which love and confidence in the Government shall be shed abroad in every heart, and the cement of the Union be made more firm and durable; by which the authority of the General Government shall be thrown back within the pale of the constitution and laws, and the right arm of the "money power" cut off. Yes, this is the important point of time when these glorious ends are to be accomplished, or when the present corrupt and partial system is to be enlarged and doubly riveted on the country for ages to come—a system that will continue to exalt the power and patronage of this central Government; that will continue to enfeeble the power of the States; that will continue to paralyze the defences of liberty; that will finally make the tax-payers here, what they are over the face of the whole earth elsewhere, slaves to the tax consumers; that will, under the forms of a free constitution, devote the labor of the common people to the support of an aristocracy and a throne.

Before Mr. ALLAN had concluded his speech, which is given in extenso in preceding pages,

The CHAIR announced the arrival of the hour assigned for taking up the special order of the day.

Mr. HAWES moved to suspend the rules for this day, for the purpose of proceeding in the discussion of the subject now before the House; and, should it be disposed of, to proceed to call the States for petitions.

Mr. ADAMS asked whether the resolution of the gentleman from Kentucky would supersede, in order, the resolution which he had the honor to submit two months ago, (for an inquiry into the causes of the loss of the fortification bill at the last session,) and which he hoped would now be again taken up.

The CHAIR said the resolution, if the motion prevailed, would be in order for this day, and, if not disposed of, would be in order again on Monday next.

Mr. MANN, of New York, moved to amend the motion so as to suspend the rules for the purpose of receiving petitions and the reports of committees; which was not agreed to.

The motion of Mr. HAWES, to suspend the rules, was rejected.

Mr. CAMBRELENG here called for the orders of the day.

Mr. HAWES asked the consent of the House to move that the order of the 26th January last be rescinded, so far as it makes the appropriation bills the order of the day for Monday.

Objections being made,

Mr. HAWES moved a suspension of the rule, for the purpose indicated.

Mr. DAVIS moved to amend the motion, so as to suspend, for the purpose of moving that the rule be rescinded entirely. He said it was evident that the rule was embarrassing to the proceedings of the House, and that less business had been despatched in consequence of it.

Mr. CAMBRELENG said that the gentleman might as well propose another amendment, viz: that the appropriation bills should not be passed at this session.

The motion to amend was rejected.

The motion of Mr. HAWES, to suspend the rules, was then rejected without a count.

Mr. REED moved that the rules be suspended for this day, for the purpose of receiving petitions and memorials, excluding the subject of the resolutions of the Legislature of Kentucky; which was agreed to.

The remainder of the day was consumed in the reception of petitions, resolutions of inquiry, &c., till

The House adjourned.

TUESDAY, MARCH 22.

Mr. LANE moved to reconsider the vote of yesterday, by which the memorial of the National Trades Union was laid on the table; which motion lies over.

UNITED STATES BANK.

The CHAIR announced, as the business first in order, the motion reported yesterday from the Committee of Ways and Means, to discharge the Committee of the Whole on the state of the Union from the further consideration of the following bill:

A bill repealing the fourteenth section of the "Act to incorporate the subscribers to the Bank of the United States," approved April 10, 1816.

Be it enacted, &c., That the fourteenth section of the act, entitled "An act to incorporate the subscribers to the Bank of the United States," approved April 10, 1816, shall be, and the same is hereby, repealed.

The CHAIR would state (he said) in advance, that the merits of the bill were not open to discussion on this motion.

Mr. CAMBRELENG called for the reading of the fourteenth section of the bank charter, proposed to be repealed; and it was read, as follows:

"Sec. 14. *And be it further enacted*, That the bills or notes of the said incorporation, originally made payable, or which shall have become payable, on demand, shall be receivable in all payments to the United States, unless otherwise directed by act of Congress."

Mr. CAMBRELENG said the object of the Committee of Ways and Means, in instructing him to move that the Committee of the Whole be discharged from the further consideration of this bill, was, to order it to be engrossed and read a third time. He asked the Clerk to read what took place in this House in 1812, when a similar question was presented in relation to the notes of the first Bank of the United States.

The Clerk read the following passage from a report in the National Intelligencer of February 13th, 1812:

"UNITED STATES BANK NOTES.—On motion of Mr. BACON, the House went into a Committee of the Whole, (Mr. BLACKLEDGE in the chair,) on the bill to repeal the 10th section of the act establishing the Bank of the United States.

"Mr. B. said the Committee of Ways and Means had thought it necessary to bring forward this bill, in consequence of a decision which had been made in the circuit court of Virginia, that the notes issued by the Bank of the United States are still a tender in payments to the collectors and other officers of the United States. The committee do not know on what ground this opinion was given; they had conceived that, as the limitation of the law had expired, no part of it could still have force. But, as this opinion has been given by the Chief Justice of the United States, it produces great inconvenience to the officers of the United States, as the notes of the several branches, say Charleston, Savannah, New Orleans, &c. will be paid only at the branches from which they issue.

"Some irregular debate took place on the propriety of passing this bill at all. It was contended that the whole law having expired, it was altogether unnecessary, not to say improper, to pass a bill to repeal a section of that law. It was replied by the chairman of the Committee of Ways and Means, and others, that, as the passing of the bill would prevent any further trouble to the public officers, and it could have no influence on any thing which had heretofore taken place, its passage was desirable.

"The committee rose, and the House ordered the bill to a third reading."

Mr. CAMBRELENG remarked that the provision of the old charter differed, in one respect, from this, as it did not embrace the additional clause, "unless otherwise directed by act of Congress." The old bank, when the above proceeding took place, was winding up its concerns, under the same provisions with the present bank, having two years allowed for that purpose. He would only remark, in addition, that there was a necessity for immediate action on this subject, unless it was wished to give this bank an advantage which no other had.

Mr. INGERSOLL rose to protest against the suggestion which he had understood the gentleman to make yesterday, that the committee gave their unanimous assent to this motion.

Mr. CAMBRELENG said he did not state that he was unanimously instructed to make the motion. What he intended to state was, that when the subject was first brought before the committee, there was some objection to it; but after they had the opinion of the Chief Justice on a former occasion, on the subject, he did not hear any decided objection to it.

Mr. INGERSOLL reminded the honorable chairman of the Committee of Ways and Means, that when the subject was first before them, he had expressed his opinion that it would be unnecessary for Congress to act in the matter at all. It was proper, however, for him to say a word in relation to the precedent. If he understood the language of it, so far as it was a precedent, it was a precedent against the course now proposed by the Committee of Ways and Means. He could conceive of no reason for action, unless the one intimated yesterday by the gentleman from New York, [Mr. CAMBRELENG,] that the bank was still, notwithstanding it had become a State institution, issuing notes of the old bank. Mr. I. knew of no such fact, and if it had come to the knowledge of the gentleman from New York, he wished to know it.

Mr. ADAMS observed that it was the unusual course of the chairman of the Committee of Ways and Means yesterday that had induced him to make objection. He wished the present to have the benefit of all the discussion which important bills were entitled to in the House; and he did not know that the chairman of the Committee of Ways and Means had assigned any reason for taking it away from the Committee of the Whole. He had, to be sure, said that the object was to have the bill brought to a third reading. Every bill must do that: it was no reason for taking it from the Committee of the Whole, because it was the only place in which subjects of importance could be fully discussed. The Committee of the Whole was the only place in that House in which subjects could be fully considered, and every other mode of proceeding should either be by unanimous consent, or for some good reason; and it appeared to him that a worse reason than that the bill should be brought to a third reading could hardly have been given. He knew of no reason why the bill should pass at all, and he was wholly unprepared to discuss it. It was totally unexpected to him, and he confessed that it was with some distrust that he had objected to it. It might be to discredit the paper of the United States Bank, or a continuation of the war on the Bank of the United States. He hoped, however, that war was at an end; he did not like stabs upon dead bodies. If that was the intention, he hoped they might have an opportunity for full deliberation upon the subject in that House. No reason had been assigned for discrediting the bills of the United States Bank. He believed their credit was of great advantage to the people of the country. They were the only currency existing that had full and complete credit; they were better than gold and silver; the best of all currencies. Well, sir, what was the necessity of passing an act of Congress discrediting those bills? Was Congress going to do all in its power to discredit the bills of that bank, to act out its little spite against that institution? He deemed it the duty of Congress rather to keep up the credit of the bank as much as possible, because there was yet seven millions of the money of the people in that institution.

[The CHAIR remarked that the merits of the question were not open for discussion.]

Mr. A. observed that he only mentioned those things to show the importance of the subject, and the great necessity for keeping it in the Committee of the Whole. He did not know but, when the subject came up, that the chairman of the Commttee of Ways and Means might find substantial reasons for the passage of the bill, but he did not think that the paper the gentleman had read was any good reason; for, as the gentleman from Pennsylvania had observed, it was against the course the gentleman was pursuing. He hoped, therefore, the House would adhere, not to the motion of the gentleman from New York, but to the precedent he had produced.

Mr. PATTON said the present was merely a question of time and of form. As to the question of time, it was simply whether they should proceed at once, and in a way to enable the House to come to a speedy conclusion, or whether they should adhere to the forms of legislation which were prescribed, which, perhaps, would detain the question from being decided for three or four weeks. He, for one, was not disposed to dispense with

those forms, to precipitate and hurry legislation on that or any other subject, unless some good reasons could be shown for so doing; and, therefore, although he did not know that he should object to the passage of the bill, yet he had heard no good reason for any hurry in the matter. Were not the notes of that bank as good and as safe as the notes of any bank? Was any danger to be apprehended of the country suffering by postponing the subject three or four weeks? He could see no reason why the usual forms of proceeding should be dispensed with; and he thought they ought not to be deprived of an opportunity of discussing the present question, unless there was some good reason for dispensing with the usual forms.

Mr. BROWN said, if the 14th section of the act, which makes the bills of the Bank of the United States receivble in payment of debts due to the Government, be inoperative since the 4th of March, as had been intimated, he was at a loss to know why the present motion should be resisted. The bill to repeal that section had been committed to the Committee of the Whole on the state of the Union, and unless it could be brought back into the House, there was no prospect of reaching it until near the close of the session. There was a special rule making all the appropriation bills the special order for every day in the week, except Fridays and Saturdays, and those days were appropriated to the consideration of private business. He repeated, therefore, that if this bill remained in committee, it could not be reached until near the close of the session. During all this time, the bills of the bank would have a decided preference over the bills of every other institution in the country.

In payments to the Government, they were equivalent to silver and gold. He was unwilling the bank should have this advantage one moment longer. He denied that the effect of the bill would be to discredit the notes of the bank. Its effect would be to place them upon an equality with the paper of every other banking institution in the country, and nothing more. But if such should be its effect, he for one would gladly give his assent to it. A bank, such as that of the United States, renewed as it had been by a State Legislature after its condemnation had been repeatedly pronounced by the people, was not entitled to any favor from this Government, and should receive none from him. At a meeting of the stockholders of the bank the other day in Philadelphia, the president, Mr. Biddle, enumerated amongst the advantages which the new institution enjoyed over the old, "its total separation from all the officers of the General Government, an unnatural connexion, beneficial neither to the bank nor Government." He would hold him to his word, and annihilate whatever remained of this unnatural, and, he might add, odious connexion.

[Here the SPEAKER called Mr. B. to order, stating that he could not, upon a motion to discharge the committee, go into the merits of the bill which was the subject of the motion.]

Mr. B. said he would not draw the merits of the bill into controversy, as he did not wish to transgress the rules of order. He had been led to say this much in answer to some observations which had fallen from honorable gentlemen upon the other side of the House. He believed it had become essential to the best interests and to the dignity of the country that the 14th section of the bank charter should be instantly repealed. And with a view to a distinct and open expression of the opinions of honorable members, he concluded by demanding the yeas and nays upon the question.

The yeas and nays were thereupon ordered.

Mr. LANE said he had taken the floor for the purpose of giving a single reason why he should vote for the motion. The gentleman from Massachusetts [Mr. ADAMS] has pronounced the Bank of the United States dead, and that he was opposed to treading on its dead body. In this Mr. L. agreed with the honorable gentleman, and rejoiced at the result; and, in order to relieve that gentleman, he would vote for its burial with all due expedition and ceremony. It is objected that no reason has been given for the motion; to this it is a sufficient reply, that no reason has been given against it.

Mr. McKENNAN understood that the Committee of Ways and Means, who reported the bill, originally moved to refer it to the Committee of the Whole on the state of the Union, and that they now moved to discharge that committee from the subject, and bring it directly before the House. He asked, as the gentleman from Massachusetts, [Mr. ADAMS,] and the gentleman from Virginia, [Mr. PATTON,] had done, what were the pressing reasons for immediate action on that bill? Had any thing occurred since the bill was reported and referred to the Committee of the Whole, which would make it necessary for the House to act on the subject? The chairman of the Committee of Ways and Means had given no reason why the bill should be hurried through. It was a question of expediency entirely, and would require deliberate consideration; and the Committee of the Whole was the place where all questions of importance ought to be discussed, and where a free discussion could not be cut off by the operation of the gag-law. It was a question of expediency whether the notes of the Bank of the United States should be discredited or not; and, for his part, when the question came up, he would say it was entirely inexpedient, because he believed that no better currency could be procured.

The CHAIR remarked that this discussion would be in order when the main question came up, but was not now in order.

Mr. McKENNAN only threw out these suggestions to show the importance of the bill, and to show that it ought to remain in Committee of the Whole.

Mr. SPEIGHT would say that, so far as he was concerned, gentlemen might have full opportunity of discussion without the application of the previous question. The House had, however, passed a resolution making the appropriation bills the special order for every day, except private bill days; and, judging from what had passed, the greater part of the session would be taken up by the discussion of those bills; so that there would be no opportunity for getting up the present subject in Committee of the Whole. By the 1st of June, too, he hoped the majority of that House would be turning their faces homewards. Another reason why the bill should be passed, was, that the bank was literally dead, yet its notes are a lawful tender to the Government for all payments thereto. It cannot make loans to individuals; but still, by the law proposed to be repealed, it is the only bank in the country whose bills are a legal tender for payments to the Treasury. He conceived the merits of the bill could be as well discussed in the House as in the committee; and it is presumed, judging from what had passed, that they would not be able to discuss it in committee during the present session. He hoped it would be speedily brought before the House and passed.

Mr. DENNY expected to be enlightened, when the gentleman from Indiana rose to address the House, particularly as the chairman of the Committee of Ways and Means had given no reasons for the motion which he had made, in reference to a matter of so much importance. The gentleman from Indiana had, however, wisely taken his seat and left them in the dark.

The gentleman from North Carolina [Mr. SPEIGHT] had come to the aid of his friends. Mr. D. proceeded to reply to the remarks of the last gentleman, in reference to the propriety of bringing the present measure before the House, and hastening its decision by means of the previous question.

The bill was reported on the 16th of February; previous to which time other bills, perhaps of more importance, were reported by the same committee, and referred to a Committee of the Whole, and the chairman of the Committee of Ways and Means had permitted them to slumber without attempting to call them up, or to make a motion similar to the present to take them out of committee. He (Mr. D.) was opposed to a departure from the usual course, unless for special reasons. Had the Secretary of the Treasury demanded that this bill should be put in a situation to be hurried through the House? Had this course been required from any other quarter? Was the committee afraid of a full and free discussion of the subject? For his part, he desired that all the light which could be shed on the subject should be sent out to the country. If gentlemen did not wish to shrink from discussion, they would permit the bill to remain where it was, in Committee of the Whole. What, he would ask, was the situation of these bank notes? The law chartering the bank had expired. The notes of the institution, credited as they were by the legislation of the country, had gone abroad. They were in the pockets of individuals at a distance, who desired to give them in exchange for the public lands, &c. It was now proposed to discredit them, by authorizing the receivers of the customs and land offices not to receive them in payment of public dues. This course, if adopted, would compel many of the honest holders of the notes to dispose of them, at a considerable discount, to a broker, or to a Government agent, in order to pay his debt to the Government. He was opposed to such a course.

The passage of the bill would operate deceptively. These notes were redeemed in specie, when demanded. They were at par. The Government had nothing to fear by continuing to receive them. If, as had been intimated, other subjects should come up in connexion with this bill, it would form an additional reason for a full and free discussion in committee. He therefore hoped that the House would permit this bill to take the usual course, and that the motion to discharge the Committee of the Whole would not prevail.

Mr. JUDSON said the proposition from the Committee of Ways and Means, under immediate discussion, was to take a bill now before the Committee of the Whole, and bring it before the House, to accelerate action upon it. The 14th section of the act creating the Bank of the United States made the bills of that bank a lawful tender to the Government. This, in its very nature, was an odious monopoly, against which the people had long since passed their decisive judgment. There were some who claimed, that although the bank itself had expired, and ceased to exist on the 4th of March last, yet this right pertained to this bank; and the bills might hereafter, by virtue of this clause, still continue to be what they were before the expiration of the bank. The object of this bill was to repeal that 14th section, and settle the question. He was in favor of the motion, and desired to see the business of that House progress; it was due to the interest of the country. Did gentlemen desire to continue a useless debate upon mere first principles, whether such an odious monopoly as was here claimed should longer exist in a free country, where the principles of legislation should be preserved on equal terms? Gentlemen say that the previous question may be applied, and cut off discussion. He did not say that he should call that question; but he did say that the people of this country would always justify the application of that rule, when useless and unimportant debate was carried on for the mere purpose of preventing the transaction of the public business. Whenever that became the case, he would always be ready to do the business of the House, instead of wasting its time.

Mr. VANDERPOEL said he was very sorry that the ghost of the Bank of the United States had been exhibited here in any shape; for he had observed, while he had had the honor of a seat here, that the old lady could not be introduced here in any form, without ruffling the temper of honorable gentlemen. But he saw no good reason for much sensibility on account of the motion now under consideration. According to the charter of the Bank of the United States, the bills of the bank were a lawful tender for the debts due to your Government. Your revenue collectors and your public land receivers were obliged to accept them. The bank was dead, and we had heard that there had been a judicial decision, which rendered it at least doubtful whether the bills of this bank, after it had become a dead body, were not still a lawful tender for the debts due the Government. The gentleman from Pennsylvania, [Mr. INGERSOLL,] who was also a member of the Committee of Ways and Means, had told us that he did not believe that the bills of the Bank of the United States continued to be a lawful tender; that the bank had not claimed it; and he did not suppose that it would ever pretend that its bills were such tender. If so, then, certainly, no mischief could result from the motion to take this bill out of the Committee of the Whole on the state of the Union. The bank could not be prejudiced, and it was not necessary to keep the bill in Committee of the Whole for the purpose of debate. As there seemed to be doubt as to the construction of the charter, a declaratory section was necessary, and he hoped the motion would prevail.

Mr. WISE said the question arising under the present motion was not as to what mischief would result from its rejection, but what possible good would be secured by its adoption.

The gentleman from New York [Mr. CAMBRELENG] had the honor of starting a doubt whether the charter of a bank operated after the expiration of its term. There could be no doubt on the subject. The bank was dead, and the gentleman from Indiana [Mr. LANE] might bury the "monster." He could, therefore, see no necessity for speedy action on this bill. He adverted to the unsettled state of the currency, and avowed that even the Secretary of the Treasury did not know what kind of money would be received in payment of the public lands. He had applied to that officer for information on the subject. The Secretary, he repeated, could tell him nothing about it, and had referred him to the receivers for information. Mr. W. remarked, in conclusion, that there was an object, and but one object, for the repeal of this 14th section; and that was, to array the Government on the side of one set of bank capitalists. This question had all along been kept up by different and conflicting banking interests.

Mr. SMITH, of Maine, said the proposition before the House was one of simple expediency. Is it, or is it not, expedient for the House to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill to repeal the 14th section of the bank charter? The honorable gentleman from Pennsylvania [Mr. DENNY] who last addressed the House, thinks it is not expedient, and assigns certain reasons, which are to his mind, no doubt, entirely satisfactory, for this conclusion. The gentleman from Virginia [Mr. WISE] also thinks it is not expedient, and assigns for reason, as does another gentleman from Pennsylvania over the way, [Mr. MCKENNAN,] that, if the subject be brought before the House, the previous question will be applied, and a protracted discussion of the subject, as in Committee of the Whole, will be cut off. This is probably the most important reason that influences gentlemen in opposition to the proposition before the House. Why, sir, the previous question can only be applied

when a majority of the House shall think it necessary and expedient to bring the subject to a decision; and all who are opposed to the application of the previous question, or of placing the bill in question before the House, are unwilling to confide in the judgment and discretion of a majority of the House in relation to the order and disposition of business before the House. To those gentlemen who are disposed to distrust the judgment and discretion of the House—I mean of the majority—in relation to the arrangement and disposition of the business before us, to as many as are opposed to the application of the previous question to a subject, when, in the opinion of a majority, such application becomes necessary to the despatch of business, the reasons of the gentlemen from Virginia and Pennsylvania must be satisfactory. But, sir, no person having confidence in the good sense, judgment, and discretion of a majority, to control properly the business before the House, can be deterred, by any apprehension of the previous question, from giving his support for the proposition to discharge the Committee of the Whole from the further consideration of the bill, in order to bring the bill directly within the reach of the House.

The gentleman from Pennsylvania [Mr. DENNY] wants light upon this proposition; he wants reasons for it. What to his mind may seem to be light, or a sufficient reason for the measure, may not be so to another mind. And what to another mind may be light, or reason, may not be so to his. But, sir, to my mind, there are sufficient reasons in support of the proposition of the Committee of Ways and Means, and in favor of the expediency of discharging the Committee of the Whole from further action upon the repealing bill. It is expedient to bring the bill out of committee, because thirty-four days have elapsed since it was reported to the House and referred to the Committee of the Whole, and such has been its position before that committee, as not to have been reached at all during the whole period. Such has been the arrangement of the business before the committee, it has been and still is impossible to reach the bill there for action, or to have it taken up. This, sir, to my mind, is one good and sufficient reason for the proposition now before the House, and for a change of the position of the bill.

Another reason, in support of the expediency of bringing the bill out of the committee, is derived from the fact that the charter of the Bank of the United States expired, for most of the purposes of its creation, some eighteen or twenty days since; and this bill, relating to the operation of that charter, remains undisposed of. The bill was reported to the House seasonably, before the expiration of the bank charter, to have been acted upon, if the arrangement of the business before the Committee of the Whole had been such as to have admitted of the bill being taken up. But it is well known that it has been impossible to reach the bill there.

The order of the House, giving precedence to the principal appropriation bills on every day at one o'clock, is another reason in support of the expediency of the proposition before the House. The debate which has already taken place, and is still pending, on one of the appropriation bills, (the navy appropriation,) and the debate that is yet to take place, judging from what has passed, on that and each of the other appropriation bills, shuts out all prospect of reaching this bill, relating to the bank charter, for weeks and weeks to come, if it is to remain in the Committee of the Whole on the state of the Union, where it now is. Unless the committee be discharged from the further consideration of it, and it be brought within the range and control of the House, no one can tell when it will come up for consideration. This, sir, to my mind, is a substantial reason for the measure proposed by the Committee of Ways and Means.

Again: doubts exist in the community relative to the character of the 14th section of the bank charter proposed to be repealed. It is true, the gentleman from Virginia [Mr. WISE] says no doubts exist upon this subject; that the friends of the bank do not consider the 14th section as longer operative. But, sir, before the gentleman concluded his remarks, he informed the House that the Secretary of the Treasury himself was unable to tell whether the bills of the Bank of the United States are or are not receivable in payment of the public lands. One would think that this fact was evidence enough of existing doubts in relation to the 14th section of the charter. It is true, again, the honorable gentleman from Pennsylvania, [Mr. INGERSOLL,] who is also a member of the Committee of Ways and Means, is quoted for the opinion that the 14th section of the bank charter, making the United States Bank bills a tender in payment of the demands of the Government, is no longer in force; that it expired with the bank charter.

But another gentleman from Pennsylvania, who last addressed the House, [Mr. DENNY,] entertains the opposite opinion, and thinks the section still to be in force; and offers as a reason against the repeal of the charter, that many citizens have at this time pockets full of the United States Bank money wherewith to make payments to the Government for public lands. Now, sir, I think we have evidence enough before us that doubts do actually exist in the community, and serious doubts too, as to the force and operation of the section of the bank charter proposed to be repealed. Two opinions are evidently abroad upon the subject; and these adverse opinions, to my mind, constitute the best of reasons for an early action of the House upon the subject; they are substantial reasons in support of the expediency of the measure proposed; they are reasons for the earliest possible action of the House, which cannot be had unless the bill be brought out of the Committee of the Whole.

Sir, the proposition is to bring the bill before the House for examination and discussion, not to apply to it the previous question without examination. My object is to take it from a position where it cannot be examined or discussed for weeks to come, and place it within the range of the House for examination and discussion at once. If, after discussion, to the satisfaction of the House, the House, or a majority of the House, in the exercise of their discretion, shall desire the previous question, then a different proposition from the present one will be presented. The expediency of the previous question will then be considered. The expediency of bringing the subject before the House at once is the simple proposition now to be considered. I am satisfied, for one, on this question of expediency, and for the reasons stated. If, after discussion of the subject in the House, the previous question shall be desired, and there shall be evidence enough to my mind to support its expediency, as on the present question, then, sir, I will vote for the previous question.

Mr. REED remarked that the gentleman last up had inquired if they could not trust the majority. Most assuredly; but, at the same time, he was in favor of pursuing the forms adopted by the majority for disposing of the public business, which were to consider, in the first instance, particular measures in Committee of the Whole. This course was due to the majority itself, in order to guard against hasty and inconsiderate action on questions involving difficult points. He admitted that there was much useless debate in that body; but he could see no reason, in this instance, for departing from the rules and usages of the House; and he was opposed to discharging the Committee of the Whole from the bill under consideration.

Mr. MANN, of New York, said that a single reason operated with him to favor the motion to discharge the

Committee of the Whole on the state of the Union, and bring this bill into the House, and to a prompt decision. This reason had not, he believed, been alluded to by gentlemen. The charter of the bank has expired; but it is too well known that it had run into a State bank, by the power of one of the States of this Union. It had "inherited," to use the language of the high priest of its oracle, "the circulation of its noble progenitor." Now, if this 14th section of its charter, making the notes of what was the Bank of the United States receivable in all payments to the United States, is now operative as the law of the land, (and Mr. M. said, whatever other gentlemen might think on this point, for himself, he had very little doubt,) then it would happen that, in virtue of this "inheritance," the United States Bank of the State of Pennsylvania would have preference over all the other State banks of the several States of the Union, and that, too, by the laws of the Union. Are gentlemen, friends of the Bank of the United States, prepared to prefer by our laws one State bank over all others, and those of their own States? And for what reason? I trust, sir, that by "inheritance" the Bank of the United States of the State of Pennsylvania is not to obtain an advantage over all other banks in the credit and currency of its old notes, used by this inheritance. Why should the Government receive the notes of this bank, merely because of its name, which now indicates any thing else than truth?

Mr. M. had intimated his opinion, or rather fear, that this 14th section, making the notes of the bank receivable by the United States, had not expired with the general attributes of the corporation. This was grounded upon the doctrine expressed by a maxim, in the quaint language of Lord Coke, "that corporations have no souls; albeit they have immortality." They do not die so easily as gentlemen imagine, in respect to all their attributes. Other clauses of the charter are now operative, by their own terms; they have not expired. This 14th section is in general terms. If a citizen had held the notes of the bank in good faith on the 3d March, and had offered them in payment of the revenue on the 5th, will it be contended that the Government would not have been bound to receive them, although the bank might have failed in the mean time? Mr. M. said he presumed not.

Mr. HAWES said that, whenever any proposition came up which looked to expediting the public business, there were certain gentlemen who uniformly opposed it; and the same persons were always the first to charge others with neglecting the necessary business of the country, and of lengthening the session. They were yesterday told that the majority would be held responsible to the country for the action or the want of action on the part of the House; and, upon the present occasion, the party friends of the gentleman who made the remark to which he referred were the very same who had again interposed to prevent the despatch of the business of the session.

If, as had been admitted by the friends of the bank, the operation of this 14th section of its charter had ceased and expired on the 4th of March, why should any person object to its repeal? There could be none. There were doubts on the subject. As a Kentuckian, he felt bound to urge the repeal of this section. He would never consent to give privileges and immunities to a State bank in Pennsylvania, which were not possessed by the banks in his own State. Gentlemen were afraid of the previous question. He had moved it, and would again, if by so doing he could facilitate the transaction of public business.

Mr. BOND said such a charge could not properly be brought against the minority, for all they asked was action according to the rules established in the House, and according to the usual forms of legislation. The minority did not make the rules: and he referred especially to the rule adopted the 26th of January, assigning one o'clock each day for the consideration of the appropriation bills, as a rule adopted by the party in power, and calculated to embarrass and delay the business of the House.

Mr. PEARCE, of Rhode Island, took the floor for the purpose of addressing the House, but he was interrupted by

The CHAIR, who announced the arrival of the hour of one o'clock, assigned for the consideration of the special order.

Mr. RIPLEY moved that the special order be suspended for this day, for the purpose of continuing the consideration of this subject; which motion was lost.

NAVAL SERVICE BILL.

The House, in Committee of the Whole on the state of the Union, resumed the consideration of the bill making appropriations for the naval service of the United States for the year 1836,

The question being on the motion of Mr. Bell to strike out the following clause:

"For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, sixty-seven thousand dollars."

Mr. BELL resumed and continued his remarks, as given entire heretofore; and, without having concluded, gave way for a motion that the committee rise; which motion prevailed, and the House adjourned.

Wednesday, March 23.

BANK OF THE UNITED STATES.

The House resumed the consideration of the motion made on Monday by Mr. Cambreleng, from the Committee of Ways and Means, to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill to repeal the 14th section of the "act to incorporate the subscribers to the Bank of the United States," approved April 10, 1816—the object being to bring the bill before the House for a third reading.

The section proposed to be repealed is as follows:

"Sec. 14. *And be it further enacted*, That the bills or notes of the said corporation, originally made payable, or which shall have become payable, on demand, shall be receivable in all payments to the United States, unless otherwise directed by act of Congress."

Mr. PEARCE, of Rhode Island, who was entitled to the floor, addressed the House:

It would be improper, on a question which required the speedy action of the House, to consume much time in its discussion; and if there was to be as much discussion in Committee of the Whole as there was a prospect of being, it was one of the best reasons why the committee should be discharged from the present subject. It was one of those bills which, according to his motion, might have been acted on without going to the Committee of the Whole on the state of the Union, because it was not a bill involving any appropriation of money. It was merely one with regard to the expediency of repealing a section of the charter of the Bank of the United States, or not acting at all on the subject. It was proper enough that it should have been referred to the Committee of the Whole, although it was not absolutely necessary; and it having been so referred, the question now was whether that committee should be discharged from the consideration of the subject, and let it come back into the House, and be speedily acted on. If it should remain where it now was, could any one tell when it could be acted on? He conceived that

no one was prepared to say that it could receive the action of the House during the present session. Then if it was a subject of such importance, which to his mind it was, and perhaps none more so, it should be brought before the House for speedy action. Suppose it remained where it then was, could they act upon it? Four months had already elapsed, and they had not moved an inch in regard to one of the important appropriation bills. Four days had already been consumed by one distinguished gentleman, [Mr. BELL,] in debating not only the items of the bill, but in reviewing the Presidential question.

[The CHAIR said it was not in order on the present question to refer to what was taking place on another subject before the House.]

Mr. P. resumed. He had only done so for the purpose of showing the improbability of getting the present subject up in the Committee of the Whole during the present session. He had said that four days were consumed discussing one item of the bill; and if two other gentlemen should take the same range, who stood in different relation to that gentleman, there would be four more days consumed by each; and if it was lawful for one gentleman to consume four days, it certainly was lawful for another to consume the same number; and they had but three working days in each week: then there would be four weeks consumed by those gentlemen. When, then, would they get through with the appropriation bills, and when would they get an opportunity to take up the bill now before the House in Committee of the Whole? To his mind, they ought to settle the question immediately. Was the bank dead? Certainly not. Then they ought to act most efficiently and expeditiously. Suppose the clause to be in operation, not only authorizing but commanding the receiving officers of the Government to take those notes—

[The CHAIR was of opinion that the gentleman was discussing the merits of the bill, which could not be done on a motion to discharge the Committee of the Whole from the further consideration of the subject.]

Mr. P. resumed. He had merely made the reference for the purpose of showing the importance of immediate action, and to show that unless the Committee of the Whole was discharged, no action at all could be had during the present session. He would further state that, if there be any doubt on this question, it was necessary that the House should decide and dissipate it. It was singular, however, that gentlemen who had contended that there was no doubt but that the section expired with the bill, should still be so unwilling for action. He would state another thing, to show the necessity of action. Suppose Congress was to rise without action, the Treasury Department might refuse to receive those notes, lawsuits would arise from the very circumstance of the bill lying over, and no one could tell the number of litigations which might so arise. No one was prepared to say what the decision of the courts might be on the subject; then, if there was doubt in regard to it, hence arises the necessity of deciding it at once. Without pretending to go into the merits of the question, he had submitted these remarks to show the necessity for action, and to show that if the question remained where it now was, it could never be reached this session. The question then was, shall the subject remain where it cannot be reached this session, or shall the committee be discharged, and let it receive the immediate action of the House?

Upon the motion reported from the Committee of Ways and Means to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill repealing the 14th section of the act to incorporate the subscribers to the Bank of the United States, of April, 1816,

Mr. MORRIS, of Pennsylvania, said that, the yeas and nays being now about to be called, he could not forego the opportunity of saying a few words in explanation of the vote which he expected to give upon this question. Much time has been already consumed in the debate upon this question, and he would not occupy any further the time of the House, were it not that he differed from some of his friends who had spoken upon the propriety of the disposition which was to be given to this proposition. The question is, whether you will discharge the Committee of the Whole from the consideration of a bill proposing to repeal the 14th section of the act of Congress, of the year 1816, incorporating the subscribers to the Bank of the United States, so that it may come directly into the House for their action; or whether you will keep the subject, to be deliberated upon and discussed, first in the committee, and afterwards leave it to be discussed and acted upon a second time in the House. Sir, I am in favor of this proposition. It has been indicated from the Chair that it is not in order to go into the merits of this question, further than to show the reasons for the proper direction of this simple proposition. I am in favor of the motion to discharge the Committee of the Whole, first, and principally, to the end that it may facilitate the despatch of the business of this House. He said we have now been in session between three and four months, and he had yet to learn what important bills of a general import had received the final action of this House. The time is rapidly approaching when it has been more than once declared upon this floor, and when it is expected, according to the custom of the House, that Congress will adjourn; and he could not, by his vote, consent that the time of the House should be exhausted upon this motion, to the exclusion of other more important business, interesting to the nation at large. If, said he, we can form an opinion of the time which the prolonged discussion of the subject in the Committee of the Whole would occupy, from the readiness, and, if he might be allowed to say so, the eagerness, which was already manifested to go into the whole merits of the vexed question connected with the bank, it was impossible to foresee to what extent the debate may be carried out.

But again. Where is the pressing necessity for refusing to bring this bill immediately into the House for their deliberation? There is a rule, that all proceedings touching the appropriation of money shall be first discussed in Committee of the Whole, in order that the greatest latitude may be given to the consideration of that class of subjects; but there is another rule, that the proceedings of the committee shall be subject to the government of the same rules that the House is, except so far as they relate to the limitation of the time of speaking, and except that the previous question cannot be called in the committee.

The operation of these rules will give to the House, as I apprehend, the benefit of all the discussion and explanation which will be necessary to the full and proper understanding of the bearings and merits of the bill in question. Various opinions are entertained as to the importance of the bill to be acted on; some gentlemen being of opinion that the passage of it is altogether unnecessary. That is a matter which I waive for the present; but whether important or not, there is not a member who may not be able to form his opinion, and to give his vote, from a brief examination of the matter, and from the discussion to be given in the House. The 14th section of the act proposed to be repealed is in the following words: "That the bills or notes of the said incorporation (the bank) originally made payable, or which shall have become payable on demand, shall be receivable in all payments to the United States, unless otherwise directed by act of Congress." The bank charter having expired on the 3d of March last, it is

supposed that those bills of the old Bank of the United States ought not to be considered any longer a legal tender to the Government for debts which may be due and owing from individuals, but that those bills should remain upon the same footing with the notes of other banks as to the legality of the tender; and, in order to remove all doubts which may exist as to the effect of that section, the bill under consideration is introduced, providing that the said 14th section shall be repealed. Believing that the merits of this bill will be reached, and that ample opportunity be afforded in the House, with some economy of time, to understand and deliberate upon the subject, and not being at liberty to examine and discuss further the use or propriety of the bill itself, in this stage of its consideration, I leave it, with the short explanation of my views upon the immediate question before the House.

Mr. BRIGGS had thought of voting against the proposition before the House, but a little reflection had brought him to the conclusion that he should vote the other way. He was of opinion that it was not a matter of so much consequence, because he did not think the bills of the late Bank of the United States a legal tender by virtue of the 14th section of the bank charter. So believing, he thought it of no sort of consequence whether they passed the bill or not. On the other hand, if the officers of the Government were in doubt, and it was likely to create any confusion, it might be necessary to pass it. He had not heard any particular reasons urged why it should be taken from the Committee of the Whole, and no very strong one in favor of its remaining with them. Various reasons which had been urged were of very little consequence; and the hard names which had been urged against the bank had as little influence with him now as heretofore. Some had said that the bank was a monster; others, that it was not dead; and the gentleman from New York [Mr. MANN] had quoted a very high authority to prove that it could not die because it had no soul. This was the first time he had been informed that a body could not die without being possessed of a soul. Another gentleman had told them that the ghost of the old monster had returned. What! the ghost of a being who had no soul? The bank could not die, says one gentleman, because it had no soul; but, says another, it is dead, and its ghost is here in this hall. But, says one, the old lady is here again. Why, this bank had only been chartered twenty years, and he hoped no gentleman would be so uncourteous as to apply that odious word "old lady" to a being who had not existed over twenty years. The gentleman from Connecticut [Mr. JUDSON] had told them that the bank was an odious monopoly, and it ought to be put down. Yes, it was dead, and its ghost here; and it was an odious monopoly, and gentlemen wished still to put it down, because it was in accordance with the people's will. It was true, the people had willed its death, but it was not permitted to rest at peace in its grave, but was still pursued by its desperate persecutors. But the people willed its death, it was true, and the people also willed its life; yet so much respect had he for the will of the people, that he would not now vote to recharter another bank, however favorable he might be to one, because the public voice was against it. But, sir, this thing which was killed by the voice of the people, was made by it.

[The CHAIR remarked that the present was simply a motion to discharge the Committee of the Whole from the subject, and that the gentleman was evidently taking too wide a range in his remarks.]

Mr. B. resumed. Well, sir, the monster was dead, and the charter expired, and he held that the section which made these bills a legal tender had expired with the other provisions of the charter, and there was no reason why the bill should have a preference over other bills; but, as there were some doubts on the subject, it might be as well to act on the question, and settle these doubts, and it might as well be acted on now as at any other time. He had, therefore, come to the conclusion to vote to take it out of Committee of the Whole; but he hoped that those who might differ from him in opinion, and those who might differ in opinion from other gentlemen, might be permitted to express their views on the bill, without being cut off by that familiar monster, more dangerous to the freedom of debate than the old bank ever could be to the freedom of the country. He was somewhat surprised to hear gentlemen say they were ready and willing to move the previous question. When the previous question was perverted by the power of party, it was one of the most odious and detestable instruments ever introduced into any deliberative body on earth.

Mr. HARPER wished merely to state his reasons, as the yeas and nays had been ordered, for voting against bringing the subject out of the Committee of the Whole. It was this eternal attempt to ride one portion of the business over another, which created so much confusion, and consumed so much of the time of the House. As to the present subject, he conceived that the law had been dead for a month, and he could see no reason why the notes should be offered as a legal tender for any thing. Believing that the public could sustain no loss, he could see no necessity for speedy action on the question. A bill of the utmost importance was now before them; and yet it was desired to make this bill ride over that. He repeated that this sort of procedure was calculated to delay the business of the House, and to create confusion; and hence the reason that the House had done nothing; and so long as that system continued, the House would do nothing. This dead monster, who had called forth the whole influence of one party to wage war against it, could not be permitted to rest in its grave; it must have the last kick.

[The CHAIR reminded the gentleman that he could not enter into the merits of the question.]

Mr. H. resumed. Would the country sustain any injury? It could sustain none; and all that could be done was to give a few additional blows to the bank. But his principal objection was, that the business of the House ought to go on in regular order; the interests of the country called for it. He had voted against all motions to suspend the rules of the House. He was anxious that the House should go on regularly with its business. For these reasons he should vote against taking the subject out of the Committee of the Whole.

Mr. GALBRAITH wished to give one or two reasons for the vote he should give. He thought they ought to act on the subject immediately. One of his colleagues [Mr. INGERSOLL] had said that the 14th section was entirely inoperative; yet he argued that the present bill ought not to pass. But Mr. G. thought, as there was doubt about it, the bill should pass. Some had said that the bank was dead, but others thought differently; and the people of the country might collect up the notes of that bank under the impression that they were a legal tender, and might in consequence suffer inconvenience. This being the case, he thought the bill ought to pass, and without delay. The different arguments of gentlemen had made it satisfactory to him that the bill should be taken up and passed speedily; and, also, as it could do no harm, and might do a great deal of good, it ought to pass.

Mr. DAVIS regretted that this debate had taken so wide a range; for it did seem to him to be a simple question whether the subject should be taken from the Committee of the Whole and brought into the House. The bill could be acted on just as well in the House as in

Committee of the Whole, and would be subject to the very same rules. If it was necessary to act at all, they should act speedily. There appeared to be a great disposition with some gentlemen to debate in that House, and a great dread of the gag-law, the previous question. Now, if those gentlemen would turn their eyes to their own side of the House, they would find that at least two thirds of the time of the House was occupied by opposition speakers; yet the majority were accused of springing the previous question, and also of allowing no business to be done. This was a strange contradiction. He understood the nature of the previous question to be to cut off useless debate; because, even the freedom of debate might be abused; and whenever it was, in the deliberate opinion of the House, then it should be applied. The present bill was necessary, so that the United States Bank should have no other corporate powers than that of any other bank; therefore, he should vote for bringing the subject immediately before the House, and acting on it.

Mr. BEARDSLEY said that the fourteenth section of the bank charter made the notes of the Bank of the United States a legal tender, in all payments to the Government. The charter had expired, and perhaps the operation of that section expired with it; but upon that subject doubts seemed to exist, in consequence of a decision, said to have been made by Judge Marshall. There seemed to be some reason to doubt, then, whether the section had expired with the bill; therefore, it was necessary to pass a law, to clear up those doubts. The House should not leave the country under the supposition that these bills were a legal tender, and that they would be received by the collectors and receivers. There should be no hesitation; the doubts should be dissipated, and the public officers should know what to do; and if these notes were not entitled to a preference, the subject ought to be disposed of by a vote of Congress. It was said a great principle was involved in the fourteenth section, and that it ought to be kept in a place where it could have full discussion.

[Mr. REED rose to a point of order. He said if the gentleman went on with his remarks, the whole subject would be opened up for discussion.

The CHAIR said he was just about informing the gentleman that the merits of the question could not be discussed.]

Mr. B. did not intend to violate the rules. He intended merely to suggest what seemed to him good reasons why they should act on the subject promptly, and dissipate those doubts in relation to the construction of the 14th section. If the subject remained in committee, there was no opportunity to get it speedily passed. He had heard complaints there of the application of the previous question. In relation to that, he had only to remark that those who had been in the House for a few years would recollect that there was not so much dread of the previous question when those gentlemen who now complained of it were in the majority. All would recollect that the bill to recharter this very same bank was passed under the previous question; and by the very same gentlemen who now complain of the operation of the previous question.

Mr. WHITE, of Kentucky, warned a certain interest in that House of the danger to be apprehended from the adoption of this precedent. It would be the entering wedge for similar motions upon questions of vital importance, and the rights of the minority would be subverted by the exercise of that engine of tyranny, the previous question.

What good, he would ask, could possibly result from the adoption of the motion? The only reason given was that the passage of the bill might be expedited. The chairman of the Committee of Ways and Means, and the gentleman who last addressed the House, had not explained how and in what manner this bill was to be carried through. Why did they not tell the whole tale? Why did they not show their hands, and admit the real intention in moving to discharge the committee? He repeated that the object contemplated was to hurry this bill through by calling that odious engine of tyranny, the previous question, which operated as an abridgment of the constitutional rights of the minority. The previous question could not be moved in Committee of the Whole. It was there, and there alone, that free discussion could be had, and it was intended very properly as a check upon the caprice of the House; and it was there that all important measures should be first deliberately considered, and prepared for the final action of the House.

The gentleman from North Carolina [Mr. SPEIGHT] had asked what reason there was to suppose that the previous question would be demanded upon this occasion. He would ask that gentleman why they expected that the sun would shine to-morrow? Why, simply because it had shone to-day and yesterday. Upon a former occasion, a pledge had been made in committee that the previous question would not be moved in the House on a particular bill. That pledge had been violated. A gentleman, when the bill came into the House, after having spoken an hour, and declared that the question was very plain, concluded by very politely moving the previous question.

After a few additional remarks in opposition to the principle of the previous question, and the manner in which it had been exercised, he concluded by expressing the hope that the motion to discharge the Committee of the Whole would not prevail.

Mr. BOON remarked, that notwithstanding the lecture which had just been delivered by the gentleman from Kentucky, [Mr. WHITE,] he, Mr. B., was a previous question man; and as to the pledges to which reference was made, that the previous question should not be demanded upon a particular bill, he knew nothing of it, and desired to be excluded from all such pledges. There never was, in his opinion, a more fit occasion than the present for enforcing the previous question. If the people of the country could be present, and witness the useless debates in that House, they would themselves demand the previous question more often than it was done by members on that floor. The motion before the House was a preliminary one. It was simply whether a measure should be discussed, if at all, in committee or in the House. He was for coming up to the point; he would toe the mark; and, in order at once to settle this unimportant preliminary question, which was occupying unnecessarily the time of the House, he moved the previous question.

The motion was seconded: Ayes 115, noes 66.

Mr. ROBERTSON called for the yeas and nays on the previous question; which were ordered, and were:

YEAS—Messrs. Adams, Anthony, Ash, Barton, Beale, Bean, Beardsley, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Brown, Bunch, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cushman, Davis, Dickerson, Doubleday, Dromgoole, Efner, Fairfield, Farlin, Forester, French, W. K. Fuller, Galbraith, Gillet, Grantland, Haley, J. Hall, Hamer, Hannegan, S. S. Harrison, A. G. Harrison, Hawes, Hawkins, Haynes, Henderson, Hiester, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, J. Jackson, Jarvis, J. Johnson, R. M. Johnson, C. Johnson, H. Johnson, B. Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, G. Lee, J. Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, A. Mann, J. Mann, Manning, Martin, J. Y. Mason, W. Mason, M. Mason, May, McCarty, McKay,

McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Parker, Parks, Patterson, Franklin Pierce, D. J. Pearce, Pettigrew, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Thomas, John Thomson, Towns, Turner, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks—125.

NAYS—Messrs. Chilton Allan, Heman Allen, Ashley, Bailey, Banks, Bell, Bond, Briggs, John Calhoon, William B. Calhoun, Carter, George Chambers, John Chambers, Nathaniel H. Claiborne, Clark, Corwin, Crane, Darlington, Deberry, Denny, Evans, Everett, Philo C. Fuller, James Garland, Rice Garland, Glascock, Granger, Graves, Grayson, Crennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Hoar, Howell, Ingersoll, Janes, Jenifer, John W. Jones, Lawrence, Lay, Luke Lea, Lincoln, Lyon, Samson Mason, Maury, McComas, McKennan, Milligan, Morris, Patton, Phillips, Pickens, Reed, Robertson, Russell, Augustine H. Shepperd, Spangler, Steele, Storer, Taliaferro, Waddy Thompson, Vinton, White, Whittlesey, Lewis Williams, Sherrod Williams, Wise—72.

So the House determined that the main question be now put; which was decided as follows:

YEAS—Messrs. Anthony, Ash, Barton, Beale, Bean, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Bunch, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Childs, Cleveland, Coffee, Coles, Connor, Craig Cramer, Cushman, Davis, Dickerson, Doubleday, Dromgoole, Efner, Fairfield, Farlin, Forester, French, Philo C. Fuller, William K. Fuller, Galbraith, J. Garland, Gillet, Glascock, Grantland, Haley, Joseph Hall, Hiland Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Hiester, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard, M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, May, McCarty, McKay McKeon, McKim, McLene, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Pettigrew, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shinn, Sickles, Smith, Spangler, Speight, Standefer, Storer, Thomas, John Thomson, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks—138.

NAYS—Messrs. Adams, Chilton Allan, Ashley, Bailey, Bond, J. Calhoon, W. B. Calhoun, Carter, G. Chambers, J. Chambers, N. H. Claiborne, Clark, Corwin, Cushing, Darlington, Deberry, Denny, Evans, Everett, R. Garland, Granger, Graves, Grayson, Griffin, Hard, Hardin, Harlan, Hazeltine, Hoar, Howell, Ingersoll, Janes, Jenifer, H. Johnson, Lawrence, Lay, L. Lea, Lincoln, S. Mason, Maury, McComas, McKennan, Milligan, Patton, Phillips, Reed, Robertson, Russell, Steele, Taliaferro, W. Thompson, Underwood, Vinton, White, Whittlesey, L. Williams, S. Williams—57.

So the Committee of the Whole on the state of the Union was discharged from the further consideration of the bill referred to.

Mr. CAMBRELENG asked that the Clerk should read a letter which he sent to the Chair from the cashier of one of the deposite banks in Boston to the Secretary of the Treasury. It would be seen that the branch bank at Boston had refused to redeem the notes of the other branches of the Bank of the United States, while the deposite banks were compelled to receive them in payment of bonds. He said he had not been permitted under the rule to go into this explanation before, but he would now state that, if other branches should act in the same way, the notes of the interior branches must soon be in the hands of the brokers, from whom they would be purchased at a discount, and merely for the purpose of paying bonds. If the other branches followed this example, the notes of the United States issued in the interior would be employed entirely for this purpose. If such may be the condition of things on the Atlantic, it might well be imagined what embarrassments would exist at our land offices in the interior. But if all the branches act as the branch in Boston is represented to have done, and refuse to redeem all notes, except those issued at their offices, where, he asked of the gentleman from Massachusetts, [Mr. ADAMS,] and of the gentleman from Pennsylvania, [Mr. INGERSOLL,] where were the notes of branches no longer in existence to be redeemed? He was surprised at the opposition to this measure: a similar one was adopted in 1812, almost, he might even say quite, unanimously; but he hoped that, when the question was properly understood, the House would see the propriety of acting promptly in repealing the section, and removing all doubt upon the subject.

The following is the letter referred to:

Copy of a letter from the cashier of the Commonwealth Bank of Boston to the Secretary of the Treasury, dated Boston, March 18, 1836.

SIR: Yours of the 14th instant is at hand. In answer to the last paragraph, viz: "I will thank you to inform me how, and in what case, the question can arise in your bank, as it has been presumed that the payments for duties have been and will be paid chiefly, if not entirely, by checks on your own, or other city banks."

Heretofore, the branch bank in this city has redeemed the bills of the United States Bank, drawn here by regular course of business, consequently making them equal to the city bank bills; being, therefore, no difference in value, the payments to Government have been made generally in checks and bills of the city banks. But this branch of the United States Bank now refused to redeem any bill but of their own issue, and consequently every other city bank refuses to receive them. This depreciates in value all the United States bills issued elsewhere, and they must be negotiated by brokers, and purchased for the purpose of paying debts due to the Government. The rate of exchange will probably cause them to be remitted from one city to another, when money is scarce, and to be placed in the hands of the bond payers, to whom they will be equal to specie, although payable at a distant part of the country, and for all other purposes of less value. It was to guard, if possible, against this probable contingency, that I addressed the Department.

Respectfully,

CHARLES HOOD, *Cashier.*

After some conversation between Messrs. ADAMS, CAMBRELENG, and the CHAIR, as to the position which the bill occupied, since the vote discharging the Committee of the Whole from its consideration, the hour arrived for proceeding with the special order of the day.

On motion of Mr. CAMBRELENG, the House then resolved itself into Committee of the Whole on the state of the Union, Mr. HAMER in the chair, and resumed the consideration of the

NAVAL SERVICE BILL.

The question being on the motion of Mr. BELL to strike out the following clause:

"For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, sixty-seven thousand dollars."

Mr. BELL resumed his remarks on the subject, and, after speaking about three hours, concluded by thanking the committee for the indulgence which they had extended to him during his protracted remarks.

Mr. GARLAND, of Virginia, then obtained the floor, and the committee rose, and the House adjourned.

THURSDAY, MARCH 24.

CONTESTED ELECTION.

The House then, pursuant to the resolution adopted on Saturday, the 19th of March, proceeded to the consideration of the special order, being the report of the Committee of Elections on the contested election for the twelfth congressional district of North Carolina.

The report of the majority of the committee was in favor of the petitioner, David Newland, and concluded by the following resolution:

"*Resolved*, That James Graham is not entitled to a seat in this House, and that David Newland is entitled to a seat in this House."

Mr. GRAHAM moved the following amendment thereto: Strike out all after the word "resolved," and insert the following:

"That the depositions which have been communicated to the House by the Speaker, and laid on the table, since the report of the Committee of Elections was made, wherever taken upon due notice, may be received by the House as testimony in this case," (concluding by the names of the voters.)

Mr. NEWLAND (the petitioner) hoped his honorable opponent would furnish some reasons why the resolution should be stricken out. He did not rise to make a speech, but merely to invoke the House not to adopt the resolution of the sitting member, unless some good and sufficient reasons could be given by him for so doing.

Mr. WILLIAMS, of North Carolina, called for the yeas and nays on the question; which were ordered.

Mr. McKAY inquired if those depositions had all been taken since the committee refused the application for further time, because if they were taken subsequently to that refusal, he should think the House would not be disposed to consider them as part of the evidence in the case. He should also be glad to know whether the notices for taking that testimony were given before the decision of the committee, or subsequently.

Mr. GRAHAM (the sitting member) stated that the notice was given after the committee had refused further time. The committee refused time about the middle of January. The committee said the application for time must be made in writing. He gave it in writing; but during the time it was under consideration, he (Mr. G.) was taken sick, and remained sick about ten days or two weeks; and about the last of January he was informed that no more depositions would be received by the committee. He considered it an act of gross injustice, not only to himself, but to the people of his district, and he resolved on taking further depositions, and gave notice accordingly to his agents; and he was ready and willing to prove that the petitioner not only had ample notice, but that he instructed his agents not to cross-examine the witnesses. He asked nothing but strict justice. He did not ask any testimony to be received, unless the petitioner had full, ample, and satisfactory notice of the time and place of taking it. The testimony was there full and complete, and he did hope that, under those circumstances, the House would not reject the testimony of the people speaking in their own behalf.

Mr. NEWLAND said the notice that the sitting member had served on him in this case was received about the 24th of January, a full half month after the committee had decided that they would not receive any further testimony, and that notice called upon him to be at home in eleven days from that time, for the purpose of cross-examining those witnesses. The sitting member had told the committee and the House that a paramount duty called him to Washington at the first of the session. He (the petitioner) came on also, expecting that no further testimony would be taken; the subject came up in committee, and not a word was said by the sitting member about further time; but after the gentleman had examined the testimony, he objected to it, and Mr. N. never knew a lawyer to object to testimony unless it was against him. The committee told the gentleman he could not have further time; but after a half month had elapsed, the sitting member gave him notice that he intended to take further depositions, and to take depositions, too, at places some hundred miles apart on the same day. He thought no precedent could be found for this kind of procedure. The gentleman had referred to depositions on your table, (which was to Mr. N. perfectly strange, for he never had seen them,) by which he was going to prove that the petitioner had not only ample notice, but that he had instructed his agents not to cross-examine the witnesses. Now, the truth was, when the committee decided that they would receive no further testimony, Mr. N. had received a letter from a friend of his, who said he had discovered several illegal votes which were given to the sitting member, and asked to be authorized to take depositions to prove the fact; but Mr. N. frankly informed him that he could not authorize him to take further testimony. This was the truth, and the whole truth; and if he was to be censured for acting honestly, it was his misfortune, not his fault.

Mr. MAURY feared that gentlemen labored under a misapprehension in regard to the point decided by the committee. The application made for further time to take depositions was decided against the sitting member; but to receive the depositions now before them was a distinct proposition. The sitting member asked to be allowed further time, and the committee refused to grant that specific application. They did not decide that additional testimony would not be received, but that further time to the 1st of March would not be allowed, because it would be doing injustice to the petitioner to keep him on expenses. They did not decide, that if testimony came forward in the mean time, taken under the laws of North Carolina, that it would be rejected. Some time in January, he did not know whether before or after the decision of the committee, depositions taken in behalf of the petitioner were received by the committee. But suppose the committee decided that no further time would be allowed; the committee was not the ultimate arbiter of questions of that kind; the House of Representatives was the tribunal before whom the question was to be decided. Sir, there are depositions which had been lying three or four weeks on your table, which were communicated from the Speaker's chair, and the House had ordered them to be printed; there was testimony which the sitting member had asserted was taken in conformity to the laws of North Carolina, and with due notice given, depositions of men of character, not to be impeached, asserting positive facts, and facts in which themselves were concerned; and would the House refuse to receive it? Would the House sanction a thing of this kind? He asked, why had the petitioner written to his agents not to attend to cross-examine the witnesses? Was he apprehensive that he might be estopped? If the petitioner came there, claiming a seat, he must think he was legally entitled to it; then he ought to be in favor of giving ample range to the taking of depositions.

Mr. WILLIAMS, of Kentucky, said, if the present amendment was adopted, it would cut off the conclusion

to which the committee had come. He wanted to hear all the testimony he possibly could, to come to a correct conclusion; but he was not in favor of cutting off the conclusion to which the committee had come by this amendment. He hoped a separate proposition would be made, so as to leave the committee's report as it was. He wanted to vote that all the depositions be taken which could be taken; but he wanted to vote on a separate proposition, so that they would have something left after that vote was taken. The subject ought certainly to be left in some tangible manner, so that they might refer it back to the committee if necessary.

Mr. VANDERPOEL said it seemed to him that the resolution now offered by the honorable sitting member could not be adopted, consistently with the decision made by the House a few days ago. The resolution proposed that we should receive testimony taken after the Committee of Elections had decided that they would not receive any additional testimony. It would be recollected that, shortly after the commencement of the session of Congress, the petitioner addressed his petition here, claiming his right to a seat in this House. The petition, with the depositions in the case, were referred to the Committee of Elections. The parties proceeded to try their cause before the committee; and about the middle of January, after six weeks of the session had elapsed, the sitting member applied for time to take further testimony. The committee denied, and, as he thought, very properly denied, this application. Whether the sitting member was induced to make this application at that late day from a presentiment that the report of the committee would be unfavorable to him, he would not undertake to say, as he did not know the fact. A report was made to the House, adverse to the sitting member, and then the honorable sitting member, or some other gentleman, by way of appeal from the decision of that committee, refusing to give him further time, moved to recommit the whole subject to the Committee of Elections, to the end that the sitting member might have further time to take testimony.

The justice and injustice, the reasonableness and unreasonableness, of recommitting the case, for the purpose of receiving supplemental testimony, was here debated for several days, and the House, by a large majority, refused to recommit the case for the purpose of hearing new testimony, and thus most clearly and emphatically confirmed the previous decision of the committee. The case was then set down as a special order for this day. The reports and the evidence of the parties, as adduced before the committee and received by them, together with such extracts from the constitution and laws of North Carolina as relate to the matter, were ordered to be printed and laid upon our tables; and gentlemen, when they came here this morning, had a right to suppose that they were to try the case under the law and the testimony before them; when, all at once, the honorable sitting member introduced the resolution now under consideration.

Mr. V. said he could not see how, if we had any regard to consistency, we could adopt the resolution. It proposed that certain depositions should here be received, which were not only taken after the decision of the committee, (which had thus been sanctioned by the House,) that no further testimony should be received, but had been promulgated; but the notice for taking which was served upon the petitioner after the decision of the committee against taking further testimony was made public. The notice then was given, and the depositions were taken, in the very teeth of the decision of the committee—a decision, too, which this House had held to be just and proper. What would we say by adopting the resolution under consideration? Why, sir, we would exhibit ourselves in the most inconsistent and unenviable position of first declaring that the parties should not have further time after the middle of January to take additional testimony, and then deciding that if the parties, after the middle of January, and in defiance of a decision of the committee, which we had confirmed, proceeded to take additional testimony, we would here receive it! He hardly supposed that a majority of this House was prepared to exhibit such a spectacle of instability and inconsistency to the nation. He could not conceive how any gentleman who voted with the majority on the motion to recommit, could, with the least semblance of consistency, vote for the resolution now before the House.

He knew that many arguments, popular at first blush, would be urged against the view he was taking. Some had already been urged by the honorable gentleman from Tennessee, [Mr. Maury,] who said it was hard, very hard, that depositions which told the truth should be excluded. If this argument, in the naked abstract form in which it is urged here, should be deemed sound in contests, either here or in courts of justice, it would be more than idle longer to talk about the existence of salutary rules of practice and proceedings, which promote the great ends of justice. Every consideration of justice and expediency required that there should be some time in every controversy, when testimony should be considered as closed; otherwise a party might enter upon trial, calculate upon the weakness of his adversary's cause, and then, when disappointed as to the strength of it, he might move for further time to take testimony, in order to atone for the too sanguine temperament with which he commenced the trial. The argument of hardship, however forcible in some cases, had not much force here, when we recurred to the prominent circumstances of the case, so far as they regarded this question.

The sitting member had had more than sixty days for taking testimony, before the session of Congress. He had had six weeks here before he expressed a desire to take other evidence, and all that time proceeding with his case before the committee. He waited until the matter should, in justice to the electors of the district, have been decided. His laches were entirely inexcusable. Reason and justice protested against the new movement made by him after such a lapse of time. It was the policy of all intelligent equity tribunals to guard against the mischievous protraction of controversies which would ensue, if parties could, in the last stages of a cause, be permitted to go back and take evidence according to the exigency of the case. The honorable chairman of the Committee of Elections [Mr. Claiborne] had, a few days ago, told us what a court of chancery would do in such a case as this. He knew not what such courts would do in Virginia, but he could say, that in the State which he had the honor in part to represent, a party in chancery was obliged, before he commenced taking his testimony, to serve his adversary with a notice containing the names of all his witnesses, so as to prevent him from speculating upon the chance of getting along with one portion of testimony before he resorted to another, and to prevent the delay consequent upon the practice of hunting, at a late stage, new testimony, according as the case pinches. He certainly could not see that the committee had made a hard or oppressive decision to the sitting member, when they refused to receive new testimony, or give time to take new testimony after the middle of January; and he would, in conclusion, repeat, that he could not perceive how we could, consistently with our former decision, receive these depositions, thus taken, after the decision of the committee was announced.

Mr. HARDIN said, if he understood the question, it was whether the depositions printed by order of the House, and on every gentleman's table, were to be considered by each member as evidence now before him,

and as evidence to make up an opinion by. He, for one, would receive evidence from any quarter he could obtain it, if he believed in its truth; and whether he got it from the arguments of gentlemen, or from evidence legally taken, he was willing to receive it. Before they decided, it would be necessary to call attention to the facts. The notice for taking testimony, served by the petitioner on the sitting member, was on the 2d of October, which left about two months for taking testimony, up to the meeting of Congress. It was not certainly to be expected that the sitting member should take depositions until the petitioner began to take them. Now, he would ask the gentleman from New York, [Mr. VANDERPOEL,] whose State had a more enlightened judiciary than any other, whether it was incumbent on a defendant to take any depositions until the complainant should take rule. The first notice the sitting member received for taking depositions was on the 19th of October, and on the 29th of that month the first depositions were taken, leaving but a little over a month for taking all the depositions necessary. The next notice was for the 4th of November, and the next for the 23d day of November, and the fourth notice was for the 27th day of November. If gentlemen would examine, they would discover the situation of the sitting member. He would ask the House, where was the time the sitting member had for taking testimony, when the first notice for taking evidence was not given until a month before the meeting of Congress?

Mr. H. said these facts proved the hardship of the case of the sitting member; for he was compelled to set out for Washington at a given time, whereas the petitioner might have remained as long as he pleased, so long as he came here any time within the two years. Of this advantage he availed himself; for he continued to take testimony after the sitting member left home. He hoped they should find the gentleman from New York carrying out the principle he had laid down, which was a correct one, and then all the testimony under the head of "sundries," or "sundry other persons," in the petitioner's notices, would be excluded. Each witness, the gentleman laid down, must be specified; so said Mr. H., and that was sound doctrine. Apply it, and all the petitioner's depositions but four must then be struck out. He again repeated that, from the large extent of the district, and his being compelled to leave home to take his seat in Congress, the sitting member had not been allowed sufficient time.

He denied that the House had, by its vote to refuse further time, or to recommit for further time, indicated its indisposition to receive the depositions sent in and laid on the table since the report of the committee was made. On the contrary, if any thing was indicated by that vote, it was that they would receive it, and such was the express tenor of the remarks made at the time (on Saturday last) by a gentleman from Georgia, [Mr. GLASCOCK,] who said he was prepared to receive and consider all the depositions since sent in, provided they had been taken agreeably to the constitution and laws of North Carolina. He hoped the House would receive the testimony, and, in deciding upon the merits of the controversy, would bear in mind that it was a question with the people of North Carolina, rather than between the two gentlemen contesting for the seat.

Mr. HAWES replied, by contending that the notice given by the petitioner to the sitting member was sufficient. He thought this the plainest proposition ever submitted to a deliberative body. The whole subject had been referred to an organized standing committee of the House, whose decision he felt bound to respect. Besides, the sitting member made no application for further time to take additional depositions, until he had ascertained that the testimony already before the committee would give his opponent the seat. He contrasted the conduct of the two candidates. While one disregarded the decision of the committee, the other (the petitioner) submitted to it, and immediately wrote off to his agents to take no more testimony for him. These were the facts: on the 14th January, the committee informed both gentlemen that they should take no further testimony; and sixteen days after that, on the 30th January, the sitting member gave notice that he should proceed to take further testimony, eleven days afterwards, in North Carolina. Mr. H. should vote against the reception of this testimony by the House, and sustain the report of the committee, which he believed was founded on the strictest justice.

Mr. GRAHAM explained, that he made his application to the committee for an extension of time before he had made a review of the testimony.

Mr. LANE adverted to the decision of the committee, which, according to his understanding of it, was this: not that the sitting member should not take additional depositions, but that no further time should be allowed by the committee, upon which they would act. The committee had not decided that further testimony should not be taken, but that they would give no further time, and that the party would run the hazard of taking it without having the action of the committee thereon. He should be glad to know from some one of the committee if he was correct or not.

Mr. MAURY confirmed his interpretation of the committee's decision, and referred to the report of the minority, as indicative of that sense of it.

Mr. SPEIGHT adverted to the equity practice in North Carolina; which was, that whenever a cause was set down for hearing, each party was thereafter barred from taking further testimony, without leave of court. He also stated the fact that the petitioner had, in consequence of the committee's decision, replied to, and rejected, the tender of additional depositions which had been offered to him.

Mr. NEWLAND gave a statement of the fact, that a gentleman of Haywood county had written to him, and informed him that he could procure evidence of bad votes in the sitting member's poll, but Mr. N. had replied, that in consequence of the committee's decision that the case was closed, he refused it. He had left no agents to act for him, as had been stated, except in one instance. The letter in question was a spotaneous offer.

Mr. SPEIGHT hoped the House would not delay the main question by a lengthy discussion on a mere incidental one; or if a decision of the House was required, that it would be considered as a substantive proposition, and not mixed up with the other and more material question.

Mr. CHAMBERS, of Kentucky, could not assent to the interpretation of the vote of the House made by the gentleman from New York, [Mr. VANDERPOEL,] nor to that gentleman's view of the decision of the committee; for the refusal to give further time did not reject the consideration of additional testimony, and he was in favor of receiving it.

Mr. PEARCE, of Rhode Island, would ask if any court ever did admit testimony taken under such circumstances as this? He cared not so much what the law or practice of North Carolina or any other State might be; but, judging it by common law, or by the rules of common sense, no other construction could be put upon the decision of the committee, than that their rejection of the application for further time closed the case, and no testimony taken after that ought to be received. A contrary interpretation would keep open this investigation to an unlimited extent, and it could never be decided at all; for, as it stood, the additional testimony was purely of an *ex parte* character, and opportunity would have to be given to the petitioner to rebut it. The decision that

no further time would be given to take additional testimony inevitably carried with it the decision that no further testimony would be received. They were, in fact, in one and the same decision.

Mr. A. H. SHEPPERD thought the additional testimony should be considered with the report itself. He should have preferred a different course to what the House was taking, namely, to have considered and decided upon each deposition, without being trammelled by the resolutions; and also, if possible, to have avoided all technical points. Mr. S. argued the point at some length, that the additional testimony ought to be allowed to come in, and that it would be an act of great injustice to the sitting member to reject it. He also referred to the depositions, and the informal character of the notices served on the sitting member by the petitioner.

Mr. UNDERWOOD remarked, that there being no law of Congress, and the constitution of the United States being silent on the subject, the House was bound by a fair construction of the constitution and laws of the State wherin a contested election occurred. They referred the matter, as they did all others, to one of their own committees, who were directed to examine the testimony and report upon it. But where was the law or rule of the House in which such a doctrine was laid down as that the House must be bound by any decision of the committee? There was none, neither express, by implication, nor by practice. But upon what ground had the committee decided? Upon mere technical grounds only. He was at a loss to see upon what just ground the subsequent testimony should be rejected, for it had not only all the solemnities of an oath, sworn also before a competent tribunal, but had been taken, so far as he believed, agreeably to the requisitions of the law of the State interested in the controversy. Mr. U. cited various supposed cases applicable to the point in question, and in support of the argument that the testimony ought to be received.

He said he considered that the committee had departed from its duty in not reporting the application of the sitting member for further time to the House, and that they had gone beyond their powers in deciding the question. He could, however, never consent to the doctrine that the House were to be bound and tied up by the action of its own committees, all of whose proceedings were, at most, only of a recommendatory or incipient character.

Mr. LINCOLN considered the amendment of Mr. Graham to be entirely out of order, as an amendment to the resolution of the committee, because it might prevent the action of the House altogether on the latter. Mr. L. referred, at considerable length, to the practice of Congress in cases of contested elections, where the power of the House was different than in all other matters, since their power was not a delegated legislation on the subject, the constitution making them the sole judges. Assuming the fact that the additional testimony was unexceptionable in point of form, and in conformity with the laws of North Carolina, he had heard no reason, nor could he conceive any, why it should be excluded. If the petitioner had not investigated it, the fault was his own, for there was nothing to show that he had not had every opportunity that he could desire. The question then arose, when was the commencement of the trial? It was not in the investigation before the committee, but in that House. The committee were not the triers, but the House. The opponents to this argument would make the House a mere court of errors, instead of possessing the original and sole jurisdiction. The proceedings before the committee were merely preliminary, growing out of the order of business; but the only tribunal before which the matter could be fully and finally acted on was the House. So said the constitution. That instrument said not a word about the committee, but that the House should be the judge. Why, the House might have taken up the subject at any moment, or have discharged the committee from its further consideration, and taken the subject into their own hands. Every thing that took place in the committee was strictly and constitutionally prior to the commencement of the trial, which began for the first time when it was taken up in that House.

Mr. LANE had yet heard no argument by which this testimony should be received, according to the known rules of evidence. If it could not be so received, then it ought to be rejected. He contended that this testimony had not been taken in pursuance of those rules, and cited the practice of the the courts of Kentucky and other States in proof of that fact, entering also into a review of the circumstances under which it was taken. Mr. L. was opposed to the reception of this testimony, because it would be in violation of all the known rules of law, at variance with the judgment of the committee, and contrary to the decision of the House a few days ago.

Mr. GRAVES then obtained the floor, and moved an adjournment; which was carried, and

The House adjourned.

Friday, March 25.

INCENDIARY PUBLICATIONS.

Mr. HALL, of Vermont, from the Committee on the Post Office and Post Roads, asked leave to make a report on behalf of the minority of that committee, on that part of the President's message relative to incendiary publications.

On rising, Mr. HALL said it was proper he should precede the report he was about to submit with a brief statement. About the first or second week of the session, when the President's message was dissected by the resolutions of the gentleman from New York, [Mr. Beardsley,] so much of it as related to the Post Office Department, including the subject of incendiary publications, was referred to the Committee on the Post Office and Post Roads. The committee took the subject into immediate consideration, and in the course of some two or three weeks came to the conclusion, by a vote of 6 to 3, in favor of the constitutionality and expediency of legislation, to restrain the mail circulation of these publications. The committee then proceeded to discuss various bills proposed by different members of the committee, and continued the discussion from week to week, and time to time, until about three weeks since, when a majority not being able to agree on any mode of legislation, the whole subject was, by vote of the majority, laid on the table of the committee, with the view, as he (Mr. H.) understood, of waiting the action of the Senate, and getting further light on the subject.

Mr. H. said he did not complain of this decision of the committee, and he was ready to accord to the majority the same upright motives which he would claim for himself. They doubtless supposed there was a reasonable probability of their eventually coming to an agreement. But, believing as he did that the more light gentlemen got, the more difficulty they would find in agreeing on a bill, he could not help considering the subject as disposed of for the session. Whether that were the case or not, the minority of the committee, having come to the conclusion that Congress pessessed no constitutional power to pass any law on the subject, were through with their inquiries, had completed their investigation, and were ready to report; and the nature of their report could not be affected by any further action, or want of action, of the majority. This report of the minority

was now, and must continue to be, that Congress had no power to act on the subject.

Mr. H. said the position of the minority was very peculiar. The subject referred to the committee was one of much interest. The President, in his message, had recommended legislation to Congress; his argument, the argument of the Postmaster General, and that of a distinguished Senator, the chairman of a committee of another body, all in favor of legislation, had been printed, laid on our tables, and read by every member. In this hall not a word, not a whisper, had been heard in opposition to the principles thus promulgated. In the face of this official array of ingenious argument, the minority, acting under the oath they had taken to support the constitution of the United States, had felt it to be their imperious duty to oppose in committee every form of legislation which had been proposed. Under these circumstances, they felt that their position was one of much responsibility; that their course of action, and perhaps their motives, were liable to misapprehension, misconception, possibly to unjust imputation. It was for the purpose of justifying themselves to the House for the course they had felt it their duty to take, that he sent to the Chair a statement of their views, and would ask permission of the House that it be laid on the table and printed. Mr. H. said he only desired further to say that the report of the minority did not go into an examination of the character of the publications specified in the message, but was an argument to show that, whatever might be their character, Congress had no constitutional power over them.

Mr. SPEIGHT inquired of his colleague, the chairman of the committee, [Mr. CONNOR,] if the majority of the committee had determined to make a report on this subject, or whether any action had taken place in committee which would authorize the report proposed to be offered by the gentleman from Vermont.

Mr. CONNOR (chairman of the committee) was not aware, until the gentleman from Vermont had got half through his remarks, that it was the intention of the minority of the committee to present their views to the House. He did not object individually to this course, however much it might be out of order. The important subject alluded to had occupied much of the time and attention of the committee. He did not desire to go into a minute detail of the proceedings of the committee. He would say, however, that about two weeks since the subject had been laid on the table; and although he could not say certainly, yet he trusted that the majority would shortly be able to make a report. It had required but one vote, for weeks and months past, to enable them to report. He repeated that the course which the gentleman from Vermont [Mr. HALL] had taken was unknown to him until he had heard a part of his remarks that day. He believed it was also unknown to the other members of the committee, with perhaps two or three exceptions. Nothing had been said in the committee about a report from the minority. He was desirous that something should be done. Six of the nine members of the committee were of the opinion that the constitution warranted legislation on the subject; and the only difficulty which had occurred was as to the details of the bill which should be reported. The course of the gentleman from Vermont was novel and unprecedented in legislation, so far as his experience went. In conclusion, he repeated the hope that a majority of the committee would ere long be able to unite upon some specific measure, and report the same to the House.

Mr. SPEIGHT had accomplished his object. The course of the gentleman from Vermont was most unprecedented. A minority, before any final action on the part of the committee, had stepped forth with a report, not only in advance of any report from the majority, but before any decision of the committee upon the subject before it. He therefore objected to the reception of this paper.

Mr. BRIGGS, being a member of the committee, desired to say a few words, in order to remove any false impressions as to the action of the committee on this subject. There had been no collisions, no discord, nothing to interrupt the good feelings which had existed in the committee. He was proceeding to state particularly the course of the committee upon the subject to which reference had been made, when

Mr. WILLIAMS, of North Carolina, rose to a question of order. He desired to know what was the question before the House.

The CHAIR said that no question could be debated unless in possession of the House; and this document, not having been received, could not be discussed. The paper, not being in the character of a report from a committee, could only be received by leave of the House.

Mr. BRIGGS asked leave to proceed in his remarks; which was objected to.

Mr. HALL moved to suspend the rules, to enable him to submit the paper to which he had referred; which was negatived.

CONTESTED ELECTION.

The House then, pursuant to the resolution adopted on Saturday, the 19th of March, proceeded to the consideration of the special order, being the report of the Committee of Elections on the contested election for the 12th congressional district of North Carolina.

The report of a majority of the committee was in favor of the petitioner, David Newland, and concluded by the following resolution:

"*Resolved*, That James Graham is not entitled to a seat in this House, and that David Newland is entitled to a seat in this House."

Mr. GRAHAM moved the following amendment thereto: Strike out all after the word "Resolved," and insert the following:

"That the depositions which have been communicated to the House by the Speaker, and laid on the table, since the report of the Committee of Elections was made, wherever taken upon due notice, shall be received by the House as testimony in this case," (concluding with the names of the voters.)

Mr. G. modified his motion, by moving the foregoing amendment as an addition to the resolution of the committee.

Mr. GRAVES was entitled to the floor, but gave way to

Mr. HARD, who moved that the report be committed to a Committee of the Whole House.

Mr. H. said the motion he had just submitted he hoped would be adopted by the unanimous assent of the House. He could not but believe that every gentleman who desired a speedy legal decision of this contested election would, when he understood the design of the motion, yield it his cordial support. It is intended to bring directly before the House, and for its immediate action, the whole case, not only the additional testimony on our tables, but the several points and propositions which were decided in committee, but which do not appear in the majority report.

Hitherto the House has been exclusively engaged in fruitless debates upon preliminary questions, without advancing one step towards a final decision. The greatest portion of the time, since the report was made, has been consumed in the extraordinary and unusual attempt, by the petitioner's friends, to introduce counsel on this floor. By the kindness of the majority in this House

we have had three days allowed us, by special appointment, to examine and settle all the important and constitutional questions involved in this contest, and one of these has already been consumed in the thus far unsuccessful appeal to the liberality and justice of the House for the adoption, upon their legal merits, of the new depositions before us. From what has occurred during the debate yesterday, and from what may be gathered from the signs of events that are passing, there appears no probability that the appeal will be sustained. The sitting member must prepare himself to rest his defence upon the evidence already reported, and leave the justice of the denial to the decision of the people of the district, unless the House can be prevailed on to adopt the course recommended in this motion. To the rights of the sitting member our time is precious, if we may credit report; report, too, emanating from the highest political authority in this House—authority which we dare not question. The day of debate on this important and interesting subject is about to be closed. Yes, sir, to-morrow evening, we are informed, the previous question will be sprung upon us. The threat has been made by some of the most influential personages in this hall, gentlemen who control the destinies of legislation here, that to-morrow evening will have completed the last day of grace in this matter; that then this debate must and shall be concluded. I do not allude to this menace with an intention of complaining or of entering my protest. It would ill become me, humble as my influence is here, to act the censor over the movements or policy of the majority. They have the power in their own hands; the rules of this House have placed it there; they have the right to use it at discretion, and they must bear the responsibility of its abuse. The previous question was designed to arrest debate, only when an abuse of its rights and privileges was threatened. It never was intended to prohibit its liberal and reasonable exercise. The freedom of debate is a sacred constitutional prerogative, guarantied to every member upon this floor, and cannot be abridged by a wanton execution of the rules and orders of this House. I have alluded to these threats by way of admonition to the minority, and to urge the necessity of redeeming time that is ours by grace, in bringing this matter immediately before the House in the manner proposed by the motion, in order to take its sense upon every distinct proposition separately, that we may know, and the people of North Carolina may know, upon what principle this case has been decided.

What is the question before us? It is not one whose decision is confined to the interests of one or two individuals. It is not one that is circumscribed in its operation by the sole interests of the two individuals who are the unfortunate instruments of this controversy. If it were, then the error that might result from haste and precipitate action, though it might inflict personal injustice, would be far less pernicious in its consequences than is now apprehended. It is not a question of ordinary moment; it regards the elective franchise of the sovereign State of North Carolina. Its decision will touch the rights and immunities of the whole American people. It will affect not only the rights and honor of a seat on this floor, but the constitutional rights and powers of a sovereign State, and the constitutional rights and powers of Congress itself.

While sitting in judgment upon the qualifications and election of one of our peers, each individual occupies a high and fearfully responsible station; and when deciding the question, we are acting in the capacity of the highest judicial tribunal known to the constitution; and in settling all such disputes we are required to give construction to the constitution and laws of the State immediately interested, the constitution and laws of the United States, and the duties and powers of the body to which we belong. How important, then, fearfully important, does it become, that every decision we make should be stamped with caution, candor, and patient deliberation. I have been at a loss to comprehend the meaning of some honorable gentlemen who have denounced, with seeming triumph, all legal forms and legal rules; I have been shocked, too, with the haste and precipitation with which some have endeavored to force this case through. If there are any questions which are referred to us, that require more care and more thorough and cautious examination than others, they are those which call in question the validity of elections; if there are any questions which require distinctiveness and certainty in our decisions, they are those which arise on an appeal from the people's decision in the election of their representatives. A proper regard to the records of our own body, and a laudable desire to bestow clearness and intelligence on our proceedings, and a duty we owe to those who may succeed us, in giving enlightened authority to our decisions, should prompt all of us to aim at judicial order and system. To those who esteem so lightly legal forms, I would cite the views of one of the ablest jurists and constitutional lawyers of this or any other age; one whom I am proud to say presided, with distinguished credit to himself and honor to the nation, over the highest judicial department of the proud State I have the honor in part to represent. I allude, sir, to that distinguished personage, James Kent, late Chancellor of the State of New York.

In his elementary discourse upon the constitutional privileges and powers of the two Houses of Congress, in that part which relates to the power which each House possesses over the election, return, and qualifications of its own members, he says: "It is requisite to preserve a pure and genuine representation, and to control the evils of irregular, corrupt, and tumultuous elections; and as each House acts in these cases in a judicial character, its decision, like the decisions in any other court of justice, ought to be regulated by known principles of law, and strictly adhered to, for the sake of uniformity and certainty." This is indeed high authority, clearly expressed. But, sir, we needed no higher authority than the experience of the past, to admonish us, by the most solemn regard to our constitutional duties, to act dispassionately and decide intelligibly on all questions whose decisions will form precedents and become laws for those that may succeed us.

The question before us, then, is one of a judicial character. It is an appeal, taken from the decision of the people of the twelfth congressional district of North Carolina. By that decision, in August last, they declared, through their legalized board of canvassers, selected for their intelligence and integrity, and sworn to fidelity and fairness in collecting the suffrages and declaring the result, that James Graham, the sitting member, was duly elected to a seat in the House of Representatives of the Congress of the United States. They have furnished him with the highest legal and constitutional evidence of such election. They have been duly presented to you, sir, and you have approved of them, and admitted him to a seat on this floor.

From this decision the petitioner has appealed, alleging that he is entitled to the seat, as having received a majority of the legal votes in the district. To establish this, he charges that injustice has been done him: 1st, by allowing illegal votes to be given to the sitting member; and, 2d, by rejecting legal votes given and intended for him. The sitting member denies his right, and contends that a greater number of illegal votes has been given for the petitioner than for him. This is the issue before us.

To sustain his complaint, the petitioner has furnished

evidence, in form of depositions, of three irregularities, as is alleged, in conducting the elections: 1st. Illegal votes given the sitting member; 2d. Legal votes rejected, which were tendered for the petitioner; and, 3d. Votes given for him, illegally stricken from the polls; making, in all, as the majority of the committee has said, twenty-eight votes, which should be deducted from the sitting member's polls.

On the contrary, the sitting member answers these objections, as he thinks, by denying the illegality of these votes, or most of them; and alleges that the petitioner has received illegal votes greater in number than himself, and that the judges at one of the precincts allowed five votes to the petitioner that were given to a candidate for the State Legislature, and comes to this result: that thirty-three illegal votes were given to the petitioner, which, if deducted, would leave him a majority increased above that declared by the board of canvassers. In receiving this evidence, and deciding the several legal points which necessarily arise from this issue, frequent reference must be had to the constitution and election laws of North Carolina and the constitution of the United States. And here, sir, I ask, what are the powers of this House over this subject? The fifth section of the first article of the constitution of the United States declares "that each House shall be the judge of the elections, returns, and qualifications, of its own members." In the case before us there is no allegation of a want of constitutional qualification in the sitting member, nor is the legality of the return questioned. It is the regularity of the election that is brought in question; and in this character the case addresses itself to the more delicate and important, while it is the more doubtful, branch of our constitutional powers. Had the qualification of the sitting member been put in issue, or the validity of his return questioned, they might have presented a question which we could have disposed of without interfering with the immediate acts of the electors, or disturbing the freedom or quiet of the elective franchise. But when we dispute the election of the incumbent, we enter upon a fearful task—we take issue with the people themselves; and when we declare void the election, then, sir, do we reverse the decision of freemen, acting under high constitutional guarantees; and, unless our decisions are based upon sound and known principles of law, we act in defiance of their expressed will, and in violation of our constitutional guides.

The second section of the first article of the same constitution further provides "that the qualification of electors for a Representative in Congress shall be the same as is required for the electors of a member of the most numerous branch of the State Legislature." What shall constitute, therefore, the specific qualifications for electors for a member of Congress in North Carolina, it is left to the constitution and laws of that State to regulate. By the eighth section of the constitution of the State of North Carolina, it is provided "that all freemen of twenty-one years of age, who have been inhabitants of any one county within the State twelve months immediately preceding the day of election, and shall have paid public taxes, shall be entitled to vote for a member of the House of Commons in the county where he resides," the House of Commons being the most numerous branch of the State Legislature. In this section will be found enumerated all the qualifications necessary to constitute a legal voter in that State, viz: 1st. Residence in the county at the time of voting; 2d. Residence in the State twelve months preceding the election; 3d. He must be twenty-one years of age; and, 4th. He must have paid public taxes. A difference of opinion exists among gentlemen of the delegation from North Carolina, on this floor, in regard to the constitutional import of that clause requiring residence in any county in the State twelve months immediately preceding the day of election. Some contend that it requires the voter to have resided in the State, and in the county where he votes, twelve months prior to the day of election; while others hold him a legal voter if he has resided in any county in the State, though he may not have resided in the county where he tenders his vote but one day. This last construction was assumed by the committee, and, I have no doubt, correctly. The phraseology is, to say the most of it, equivocal, and is open to judicial construction; and it is a well-settled and salutary rule, in the construction of laws touching the elective franchise, that, where two constructions may be applied, the one in restriction and the other in extension of the right of suffrage, the latter shall prevail. This, undoubtedly, furnishes a case in point. But whichever of the constructions be adopted, it makes a difference in regard to the evidence before us, in the actual majority, otherwise computed, of but two votes, so that the result would not be changed. In order to prepare this issue for a speedy, clear, and just decision, a decision that would be warranted by the law and the facts, and to aid the House in its deliberation and facilitate its action, you have sent out your committee, the Committee of Elections, to inquire of the truth of the facts in the case, and to settle the various questions of law that might arise; and you have required of them to report, in as clear and intelligible form as may be, a true and faithful history of their deliberations, and the various legal points connected with the case, together with a final result of their labors. The committee did take the case under advisement at an early period of the session. They had all the law and the facts before they came to a result, and a majority of the committee have found the issue in favor of the petitioner. A large minority of the committee have, however, come to a different result from the same facts, and have found the issue for the sitting member.

Now, sir, every gentleman is aware that a majority of members of this House are disposed to receive the regular report of a committee, made by a majority, as *prima facie* evidence of the truth of the facts stated in them, and are ready to adopt, without much investigation, the conclusion or resolution which they recommend. In general, or in many cases, this confidence would not be misplaced. Your committees are, or ought to be, the faithful organs of the House, in arranging facts and collecting information on the subjects submitted to them. In cases of contested elections, they act as your judicial commissioners, sent out to inquire of the truth of the matter of the petitions, and the evidence connected with it. When the report is made, it carries upon its face the character of a high and authoritative document, and, as such, should always set forth clearly, truly, and in judicial order, a history of their inquiries, so far as to embrace the points decided, and the law and the facts upon which the report is founded. If it do this, it will furnish every member with a brief, upon which he can found his own arguments, and from which he can draw his own conclusions, without being compelled to travel through the whole case. The committee who brought in the report before you were in possession of a few legal points upon which the whole case turned, and upon which distinctive decisions were made in committee; and yet, sir, I have searched this report in vain for a clear statement of these points, or the decisions made upon them. On the contrary, I find some misstatements of some of the decisions made there. In saying this, I trust I shall not be understood as imputing improper motives to the majority of the committee, or a single member of it. Such misstatements could not have otherwise arisen than through inadvertence and haste. I know, by personal knowledge, that the labor of the whole

committee was perplexing. A mass of testimony was thrown before them, consisting of depositions, hastily drawn up, in manuscript form, embracing the affidavits of various persons to the same fact, scattered through every part of the voluminous mass, from which to collect, arrange, and apply to their appropriate subject each class of testimony, required the greatest care and patience. It could not have been expected, therefore, that clear, satisfactory, and intelligible conclusions could be attained without much toil and careful examination. How, then, sir, can it be hoped, without such a clear statement of the history of their deliberations, that this House, in three days' time, can arrive at truth which it has cost the committee three months' labor to discover?

What is the conclusion which the majority have reported? Why, that the sitting member is not entitled to his seat! and the petitioner is entitled to his seat. What reason do they assign for this conclusion? That nineteen illegal votes are given for the sitting member which should be deducted from his poll, and that six legal votes were tendered for the petitioner, and rejected by the judges, and that three votes had been wrongfully struck off from the Henderson polls. Have they told us upon what law or authority these votes are declared illegal? Have they referred you to, or stated, the evidence that established these facts? They have, indeed, referred you to the mass of documents before you. They have left you to hunt up your own proof, and then we are called upon to decide in three days, or the previous question shall be sprung upon us, when we shall be called upon to adopt these conclusions in gross, and adopt them, too, "by faith, and not by sight." Let us briefly examine the report before us.

The committee have said, in the majority report, that the sitting member had made an objection to the depositions, as inadmissible evidence of the facts stated in them; that the question was taken up and considered; that "the committee, being of opinion that the depositions were taken according to the laws of North Carolina upon the subject of contested elections, and there being no laws of Congress on the subject, and the usage being well established to allow depositions to be read, which had been taken and sworn to according to the laws of the State where the election had been held, decided they should be received."

In this short statement there are a number of errors and deficiencies, which, in what purports to be a documentary history of the proceedings in committee, are calculated to blind and mislead the House in arriving at the truth of the point in issue. In attempting to state, here, the objections raised by the sitting member to the admission of the depositions before us, the report is entirely silent on the most important point. The principal reason assigned by the sitting member for rejecting the depositions was not that they were inadmissible evidence of the facts stated in them, but that they had been taken in pursuance of notices insufficient and defective. The objection went to the validity of the proceedings in taking the evidence, not to the legality of the evidence itself. The report presents to the House an issue quite different from that tried in committee. It states a point on which the committee were unanimous, and has altogether omitted the main point. The strong objection which was brought against the proceedings was, that the notices which the petitioner served on the sitting member for taking the depositions were defective in form and substance, viz: they did not give him time enough; they neither set forth the names of the witnesses who were to be examined, nor did they set forth the names and residence of the electors whose votes were to be excluded, nor their particular disqualifications. These were important points in the case; they laid the foundation of all that protracted controversy about further time, which occupied so much of the time of the committee, and which has so long detained the House.

The report continues: "The committee were of opinion that, as the depositions were taken in conformity to the laws of North Carolina upon the subject of contested elections, and there being no laws of Congress on the subject," &c. Now, sir, what are the laws of North Carolina, conformably to which these depositions were taken? All the laws of North Carolina, which regulate the forms of proceedings in cases of contested elections, are comprised in one section, (Laws North Carolina, vol. 2, p. 826,) which reads thus: "That, from and after the passing of this act, it shall not be lawful for any person to vacate the seat of any member of the General Assembly, who has taken his seat, in consequence of the return of the sheriff of his county, certifying that he is duly elected, unless the person or persons who may intend to dispute such election shall give to the member or members whose election he or they intend to dispute, thirty days' notice, prior to the meeting of the General Assembly, of such his intention, with the grounds upon which the same will be disputed; and the same notice of the time and place, now required in taking depositions at law, shall also be required and proven on such investigation; and all affidavits taken without due notice as aforesaid, shall be deemed improper evidence, and not suffered to be read in such investigation."

While this section prescribes the length of time the notice shall allow, which, by referring to the other laws of North Chrolina, we find is ten days, it is wholly silent as to those forms referred to in the objections of the sitting member. Where, then, are we to look for guides in regulating the forms and substance of these proceedings? Why, sir, I suppose, in the absence of any other express provisions, all will agree that we must look to this House for laws.

But the report informs us there are no laws of Congress. In one sense of the term *law*, this is true; but in the other more material and important sense, it is not true. It is true that Congress has no legislative existing law on these subjects, but it is not true that it has no law of its own, growing out of its parliamentary practice. This House has a number of adjudicated cases, which have arisen during the different periods of its history, in which these questions of specifications have been discussed and settled on a firm and uniform principle, viz: that before any testimony shall be taken to disqualify any elector that has given his vote, the name and residence of such electors, with the particular disqualification, shall be inserted in the notice, and served on the return member.

As early as the year 1796, in the case of Varnum, this House took the first step towards settling the forms it would require in notices for taking depositions in such cases. In that case (page 112, Clark and Hall) the petitioner prayed the House to vacate the seat of Varnum, on the ground of illegality of certain votes given to the sitting member. It alleged that certain persons voted for him by proxy. The petitioner did not set forth the names of the electors who voted by proxy; the committee to whom the matter of the petition was referred, applied to the House for instruction as to what kind of specifications were necessary to put the sitting member upon his answer. They reported the following resolution: "*Resolved*, That the allegation of Aaron Brown [the petitioner] as to persons not qualified to vote, is not sufficiently certain, and that the names of the persons objected to for want of sufficient qualifications ought to be set forth prior to the time of taking testimony." The report of this case comes to us in a form so meager, that it does not give the final action of the House upon

this resolution; but the sequel affords us a presumption that it was sustained, as the petitioner failed to sustain his petition, and the sitting member retained his seat. This was among the earliest efforts of this House to establish rules of steady and uniform application in the mode of conducting contested cases. Since this decision, the principle has been adhered to as a fixed and unwavering rule, from which it has not permitted a solitary departure.

A number of other cases might be cited to the same point, were it necessary, as the case of Eaton & Scott, Rutherford *vs.* Morgan, and Biddle *vs.* Richards. With these cases before us, with what propriety can we say that Congress has no law to regulate such proceedings? By overlooking these principles, the committee were led to a decision by which the sitting member was deprived of his legal and unquestionable right to an extension of time to prepare himself for his defence. It was one of the most unfortunate decisions to the sitting member that has been made in the whole case, and involves the greatest injustice, and yet nothing of it appears in the report.

But, sir, there is another misstatement, unintentional no doubt, in the report, which has had a tendency to embarrass investigation, and produce injustice to the sitting member. The report proceeds to give the views of the committee on the application of the sitting member for further time. After the committee had overruled the objections as to the informality of the proceedings, he applied for further time to take his defensive evidence. This application was denied by a majority of the committee, and they say "they could find no precedent in which an application of a similar kind, if made at an earlier period, had been granted. It has been my good fortune to have found, among the reported cases of this House, five or six decisions where an extension of time was allowed on grounds much less meritorious than the present, and that, too, where the application was made at a much later period than the present. In some cases two, and in others three, months have been allowed the parties for collecting evidence after the committee had commenced the examination; while, in some cases, they have been allowed a whole vacation where good cause was shown. Applications for further time in these cases are analogous to motions to postpone a trial at law for the absence of material witnesses; it is addressed to the discretion of the court, and, on reasonable cause shown, is seldom denied. The only difference that I can perceive between the two cases is, the case before us presents the stronger claim. We are sitting here endeavoring to purge the polls of illegal votes, and it would ill become us, as judges, to shut out light or withhold evidence. The sitting member should have been allowed further time.

The next error in the report is contained in that part which professes to state the circumstances connected with the three votes which the judges at Asheville deducted from the petitioner's polls. The report wholly fails to afford us the law or the facts in the case. The committee (the majority) content themselves by giving a negative reason why the judges ought not to have made the deduction. They do not tell what was, but what was not, the law of North Carolina, and are wholly silent about the facts. That the House may perceive the mystery which the report throws over the case, I beg to give a brief sketch of that transaction, and the law of North Carolina upon which these proceedings were had.

By the law of North Carolina, one of the qualifications of a legal voter is actual residence in the county where he resides, as I have before stated, (2 sec. 2 vol. N. C. L., p. 1224.) At the Henderson precincts, in Buncombe county, three persons presented themselves at the polls, and tendered their votes. They resided in Yancey county, in the same congressional district. As it had been the practice in some parts of the State to permit a person to vote in any county in the district, provided he resided in the district, it was agreed by the judges that they might vote, and they would note opposite their names "Yancey," and certify the facts upon the scrolls, or poll lists, and return them to the central judges at Asheville; and if they adjudged that a person could vote out of the county of his residence, then the three votes were to remain good; but if they adjudged otherwise, then the votes were to be deducted. The certificate was made on the scrolls, and signed by the judges, that the three persons lived in Yancey. This was sent to the judges at Asheville, and, on further explanation by one of the recording clerks, N. Blackstock, who attended the Henderson precincts, where the votes were received, the judges deducted the three votes. These facts all appear by the depositions taken by the petitioner. The committee say this deduction was unauthorized by the laws of North Carolina. Suppose they had not the power to strike out these votes: still, if we are satisfied by the evidence that these three persons did vote illegally, we should be bound, by the same rule that has governed the committee in striking out all non-resident votes, to deduct them here, if the judges had not done so. These are the facts in the case, yet the committee say the votes ought to be counted. I shall state but two more errors, and close the review.

The next class of voters referred to in the report are six, which are said to have been tendered to the inspectors or judges, for the petitioner, and by them rejected. This case presents one of the extraordinary claims, and involves the most singular and novel principle in the whole case; and yet the report has devoted two lines only upon it. They are in these words: "To this [the before-mentioned three votes] the committee have added five votes (in list A) as having been legally offered for the petitioner, and illegally refused." The law of North Carolina provides that "before any person shall be allowed to vote, he shall, if required, make oath that he is qualified according to the constitution, and has not voted before at the same election." By this provision it is made the duty of the judges to refuse the vote of any individual of doubtful qualifications. In this they act judicially, and may persist in their refusal unless the elector shall tender the legal oath. The duties and rights of both the judges and electors are made plain. If the latter desires to vote, and the former doubts his legal qualification, the elector has only to tender his oath, and then it is peremptory on the judge to receive his vote, provided his oath will establish his qualification.

At the Franklin precinct, in Macon county, on canvassing the votes there, five votes were found in the Commons box with the name of David Newland, the petitioner, on each, but nothing to designate for what office they were intended. The witness states that there were a number of votes for members of the State Legislature found in the Congress box. The judges changed these votes, placing the five votes with the name of David Newland in the Congress box, and counted them for the petitioner. The report attempts to give the evidence in this case, but has clearly mistaken it, or misstated the facts. It charges the judges with the mistake in placing Newland's votes in the wrong box. This charge is not correct, as is shown by the same report. It states that the ballot-boxes for members of Congress and State officers were seven or eight feet apart. In North Carolina each ballot-box is kept by separate sets of judges. The voter presents his vote rolled up so as to conceal the name, and, I am informed, there is no designation of office on the vote. How, then, was it possible for the judges to make the mistake? He puts into his box (and there is only one

within eight feet of him) the vote which is given him. It is not the judge who puts the vote in the box, but the person who hands him the vote, that must make the mistake. The report says: "In this case, then, the mistake having been made by one of the judges, and not by the voter, who had done every thing in his power toward a fair exercise of his privilege, the judges have considered it their duty to correct their mistake, and give the voter his vote." In this case the judges no doubt acted in good faith, and with honest and fair motives, but they were clearly wrong. This House has said in two of its reported cases that, where votes are given by ballot, the intention of the voter is known only by the box where he deposites his vote. In the case of Washburn *vs.* Ripley, (Clarke and Hall, page 679,) this principle is clearly settled, and, indeed, no other rule could be adopted with any prospect of preserving the elective franchise pure and incorruptible. If the course pursued by these judges were sanctioned, it would put it in the power of the ill-disposed to give as many votes for one candidate as there are ballot-boxes at the precincts where he votes. This House never will sanction such a practice.

I have been thus minute in the review of this report, not so much with a view of discussing directly the merits of the main question, as of calling the attention of the House to the great danger it would incur of doing injustice, by adopting in gross the conclusions of the report, without examining in detail the various propositions upon which the real merits of the case depend, and of making a clear and distinctive decision of them by a direct vote of this House. Sir, if this course should be adopted, I have but little doubt the final vote of the House would confirm the right of the sitting member. But, if we are to labor on in this uncertain mode of general debate, until the last sand of our measured time shall have passed out, and the previous question sprung upon us, and all debate and amendments prohibited, I should then have as little doubt that the decision of the people would be reversed, and the petitioner admitted to a seat.

The remarks and comments which I have made on the report of the majority have been dictated by none other than the kindest feelings of personal regard for the members of that branch of the committee. I have avoided, as in justice I should have done, any imputation of improper motives; on the contrary, I have felt disposed to sympathize in the perplexities of their laborious task. I have been ready to ascribe all error and mistake to the numberless difficulties the committee had to encounter; but, as it had been remarked frequently in debate, that the report carried with it high authority, and fearing that many might, as is common, take it as conclusive as to the truth of the statements it contained, I felt called upon by a duty I owed to myself as a member of the minority of the committee, and by a sense of duty to this House and the people of North Carolina, to speak out, and warn the House of the danger of the course they were pursuing, by adopting in gross the conclusions of a report involving so many inaccuracies.

Before I sit down, I would direct the attention of the House to the conclusion which seems to me the necessary result of the consideration of the legal points and facts to which I have alluded in the remarks I have just submitted.

The majority contend that they have found evidence to establish the illegality of nineteen votes, which were given to Graham, and which ought to be deducted, viz: thirteen given by non-residents of the county, five non-residents of the State, and one minor, making 19. They also claim that the three Yancey votes, given at Henderson, Buncombe county, and rejected by the judges at Asheville, should be restored to the petitioner's polls; and, lastly, six votes which were tendered to the board, and rejected, should be added to his polls; which, in all, would make 28 votes to be credited to him, thus:

19 votes, non-residents and minors,	19	
3 Yancey votes tendered and rejected,	3	
6 votes tendered and rejected, -	6	— 28
They also credit to Graham—		
8 bad votes given to Newland, -	8	
7 original majority, - - -	7	— 15
Difference, and majority for petitioner, -		13

Among the nineteen illegal votes alleged to have been given to Mr. Graham, the sitting member, four are supposed to be given by persons whose names do not appear upon the scrolls. These scrolls, in some States called poll lists, are made out and certified by the sheriff of the county, under the provisions of the laws of North Carolina; one copy of which he is required to file in the clerk's office of the county, after "the same is certified by the sheriff." These scrolls, duly authenticated under the seal of the clerk of the county, are the highest and most solemn evidence of the matters contained in them. They are especially the highest evidence of the truth as to who did vote, and how many. As the names of these four individuals do not appear upon the polls certified to us, and furnished us, too, by the petitioner himself, a question arises whether he (the petitioner) shall be permitted to give parol evidence of third persons that these four persons did vote. The manner in which the polls are kept, by a sheriff and two inspectors, sworn to conduct the elections fairly and honestly, and who are required to keep each a separate list of all who vote, which lists are to be compared and certified by them to the sheriff, furnishes the most solemn and veritable evidence of the correctness of the registry as to who did vote; and by permitting third persons to give evidence by parol to contradict this, would be a gross departure from the oldest and most salutary rules of legal evidence. The proof, therefore, that these four votes were given to Graham, must fail. This will reduce their number to twenty-four, or, in other words will reduce the nineteen illegal votes to fifteen. If the view which I have taken of the propriety of allowing the six votes tendered and rejected be correct, there must be deducted six votes more; and if the view which I have taken of the three votes given for the petitioner at Henderson, Buncombe county, by the three citizens of "Yancey," be correct, then three more must be deducted from the number of illegal votes, which the petitioner alleges should be deducted from Graham's polls, leaving of the twenty-eight alleged illegal votes, but fifteen, which, in any event, should be deducted from the sitting member's polls. Bad votes for Graham, in all, fifteen. Now, sir, let us consider the votes which Mr. Graham contends are illegal, and which, having been given to the petitioner, he claims should be deducted.

There were eight votes which are clearly proven to have been illegally given to Newland, which should be deducted from his polls. On them the committee were unanimous. They are illegal beyond contradiction. To these should be added the five votes which were improperly exchanged from the Commons to the Congressional box for Newland, for the reasons which I have just stated; which would make thirteen illegal votes given to Newland, and to be credited to Graham. If to this you add the seven votes, his original majority, the sitting member's polls will stand thus:

1st, 8 bad votes, by agreement of committee, -	8
2d, 5 votes, illegally exchanged, - - -	5
3d, 7 votes, original majority, - - -	7
Total, - - -	20

If from these 20 you take votes credited to Newland, say, - - - - - 15

We have five votes majority still for Graham, - 5

Sir, I sincerely believe, if this case were presented to a jury, acting under a solemn oath to find a true verdict from the law and facts before us, they could not come to a result more favorable to the petitioner.

But, sir, the sitting member claims to have allowed him ten more votes, which are proved to have been illegally given for the petitioner, by the documents which have been laid on our tables since this report came in; and this forms the last point with which I shall trouble the House.

It is clearly right that these should be allowed. They have been taken under notice duly served according to the laws and practices adopted by the petitioner himself; they have been printed by consent, and laid before us. The proofs are clear and conclusive, consisting in most cases, of the oaths of the voters themselves, that ten more illegal votes were given to the petitioner, which, according to the clearest estimates, would swell the sitting member's majority to fifteen votes. Sir, we dare not reject this evidence; it is before us; it is legal; it tells us, in audible words, that the sitting member has a majority of the legal votes of the twelfth congressional district in North Carolina; and if we refuse them, and thereby the sitting member loses his seat, we do nothing less than take the election from the people, and control it in this House. Sir, North Carolina will never submit to it. She is too jealous of her State rights. She is too republican to submit patiently to so high and flagrant an assumption of unauthorized power. It would be establishing a precedent in this House that would strike at the root of the right of free and unrestrained elections. This evidence must be admitted; we dare not reject it. If it be admitted, then the sitting member will have a majority of fifteen votes over the petitioner.

Among the reasons that have been assigned why these depositions should not be admitted, negligence on the part of the sitting member, in not collecting his evidence in season, forms a prominent one: he is said to have waived his right by gross delay. With a view of testing the soundness of these reasons, and of exposing the great injustice of the charge, I must tax the patience of the House with a brief statement of the proceedings in the case before it reached the committee.

The election for members of Congress was held in North Carolina on the 13th day of August last, when, of all the votes given in the district, the sitting member received seven more than the petitioner. On the 2d day of October thereafter the latter served the former with a notice of his intentions to contest his election, without inserting the names of witnesses or names or residences of the voters challenged. On the 19th he followed this notice with another, apprizing the sitting member that on the 29th he should take the depositions of "James D. Justin and others," at Asheville, in Buncombe county, a distance of 40 miles. The same notice also apprized the sitting member that on the Saturday following, the 31st, he should take the depositions of individuals at Barnesville, in Yancey county, 38 miles further. They were detained at the first place two days, examining their witnesses, which brought them to the 31st, the day they were required to be at the latter place. On the 26th day of October another notice had been served for taking depositions at Frontston precinct, in Mason county, on the 4th day of November, 106 miles from Barnesville. They were detained at Barnesville three days, taking depositions; this left them one day to prepare and travel over a rough country, on horseback, 106 miles. In this same notice he was required on the 7th to appear at another place in the same county, and on the 9th, two days after, at Waynesville, Haywood county, 63 miles. In the same way were these notices crowded upon him, until, from the 29th October to the 30th of November, he was summoned to attend the examination of witnesses in twelve different places, at an average distance from each other of sixty-three miles. This would allow the sitting member, for travel, attendance and preparation, an average of two days and a half; and yet he is charged with "negligence" and gross delay in not preparing himself before the first day of the term for trial. Sir, in justice, perhaps, to those gentlemen who charge delay in this case, I ought in charity to say that the charge has been inadvertently made, without due reflection, and with but a slight knowledge of the case. All this time, from the service of the first notice to the 2d day of December, the sitting member was employed in cross-examining and resisting the evidence of the petitioner, without an allowance of a single day to take depositions in his own defence, unless he chose to take them by a forced employment of the time already pre-occupied by the other party. The gentlemen who have debated this point, in estimating the time actually allowed, have commenced with the 1st October, the day when the notice of intention to contest the election was served. In this they have fallen into an error. This was simply a notice of an intention to contest the seat. Although by the laws of North Carolina such a notice is made a prerequisite, it has never been considered by this House the commencement of judicial proceedings. It has been decided, in an adjudicated case arising in this House, that, although such a previous notice intimated a disposition to contest the seat, it did not evince a fixed determination to do so; and that the returned member was not bound to take any active measures of defence until some judicial notice, such as to apprize him of taking depositions, was served, or some other active and efficient step in the case. In that case it was very aptly remarked by the committee who made the report, that "it was very easy for a person to threaten such a contest, though he never intended to prosecute;" that, in such a case, "it would be injustice and folly to require the sitting member to enter upon his defence, and incur the expense and trouble of preparation, under the bare possibility that a contest might be waged. If we adopt that principle here, which is but just and reasonable, then must we adjudge the first judicial proceedings to have commenced on the 19th day of October.

But it is said, if the notices did not afford sufficient time for the parties to appear in person, they ought to have employed agents to appear for them at places where they could not. There is no legal substance in this plea. The employment of an agent is a measure the sitting member might adopt or not, at his own option; it is not one that the petitioner could dictate, either expressly or by implication. The law, indeed, recognises but does not create such agencies; in contemplation of legal notices, every person is supposed to transact his own business. The right to employ an agent in such cases is a personal privilege that no law can either dictate or deny. The true question here is, whether the sitting member was allowed sufficient time to appear in his own person at these several places to examine witnesses.

There is another manifest error, into which some gentlemen who have discussed this question of time have fallen, which should not be overlooked. It is said it would lead to an unsound and dangerous practice, if we were to permit this evidence to come in, since it was taken after the committee had decided that no other evidence should be taken. The error consists in a misapprehension of the decision of the committee: it was not that they would not receive any more testimony, but that they would not suspend their deliberations with a view

of granting further time. If their decision had said they would receive no more evidence, it would have shut out some of the most important depositions which the petitioner produced. These were received, considered, and adopted, after the decision denying further time was made. If these depositions had been received before the report was made, I have no doubt they would have been received. Is there any assignable reason why they might not as well be received now as then?

The question was asked by one of the majority of the committee, why the sitting member had not applied to the House for further time in the first instance. This question has come from a quarter I should least have suspected. That gentleman should have recollected that the sitting member submitted to the committee, at their first meeting, a preliminary question of great force, which, if sustained, would have dismissed the whole case, and dispensed with the necessity of further time; that this question the committee had under advisement until the 15th day of January before they decided it. When it was decided, he applied to the committee for further time. About the last of January they decided this question against him; immediately after this, the 30th January, he gave his notices for taking depositions; and these very depositions which he asks to be allowed were taken under these notices. Now, what time had he to apply to the House, after the decision of the committee was made, for further time, that he did not improve in taking depositions? The question is a singular one, and, coming from such a quarter, is calculated to mislead the House in relation to this question. But, sir, I have detained the House much longer than I intended to have done. I shall close my remarks by saying that the subject ought to be committed to the Committee of the Whole, for the reasons I have before intimated. This has been the usual course. I have examined all the cases which have been reported, and I cannot find a solitary one, where the report of the committee was contested and disputed, that the case has not been committed to a Committee of the Whole House. In this case, such a course is more especially demanded, as the report is required to be amended in very important matters of substance, and additional evidence is to be received and considered. Besides, such a course would better comport with the character in which the House is acting; we are sitting here as judges, as a court of appeal, and not as a legislative body.

Mr. BOYD rose to reply to some matters of fact. The gentleman had stated that mention was not made in the committee's report of a decision that no votes would be received of a person voting out of the county in which he resided. Now, Mr. B. believed it was in the report, with the reference to the laws of North Carolina on the subject. In relation to the hearsay testimony, the petitioner wished to have stricken from the sitting member's poll certain voters of this description, but the committee refused this as inadmissible. The committee set aside all testimony that came before them in the character of hearsay evidence, and received none except such as was positive. The gentleman had complained of a discrepancy in relation to the protest of the sitting member. Mr. B. had only to remark that, if the majority of the committee had not done the sitting member greater injustice than in relation to this, he should feel gratified indeed. The gentleman had also said the majority had appended to their report a statement from the petitioner of a number of votes which he claimed ought to be stricken from the sitting member's poll, under hearsay testimony. Mr. B. said the list was appended, and he wished to be permitted to state that not only the list, but every other document which they could get hold of, was inserted into the report, both for and against the petitioner. In the committee they went on with their examination from the commencement under the rule laid down, that none but positive testimony should be received, leaving out all other; they went on taking notes, but not deciding in the case, until at length it was agreed that the documents should be submitted to the parties, for the purpose of their making out an abstract of such testimony as they could rely upon. Before that, nothing was heard about further time; but, after they had investigated the testimony, the sitting member came forward and asked further time. The object in submitting the testimony to them was to have them make out an abstract of the case. The petitioner furnished an abstract, but the sitting member was taken sick; and the committee waited upon him in the hope of getting an abstract; he was too weak at that time to make it out, and it was delayed ten days or two weeks, the committee still waiting. The sitting member came in eventually with another protest, instead of an abstract, and this protest was the one the gentleman had complained of as not being added to the report. They had searched for that and some other testimony at the time the report was made up, but it was nowhere to be found. Mr. B. wanted to append that very document to the report, but could not find it.

[Mr. HARD wished to call the attention of the House to another fact. The committee had received some five or six votes as legal votes which were not on the poll book at all.]

Mr. BOYD resumed. The gentleman had complained about hearsay testimony. Now, it was well known that the committee did not investigate hearsay testimony at all. The committee had decided against every description of hearsay evidence. At the time the petitioner presented his abstract, the sitting member, instead of presenting an abstract, presented another protest against the receivability of some of the evidence; and he had said that that protest could not be gotten hold of by him, or it would have been appended to his report. The gentleman from New York [Mr. HARD] had informed him afterwards, that he had it, and would append it to the report of the minority.

[Mr. HARD said he recollected the papers were in his possession. He had taken them to his room, for the purpose of examining them, but did not recollect of the gentleman's inquiry of him in regard to them.]

The gentleman [Mr. HARD] had complained of the majority of the committee having recognised the polls as evidence of the highest authority. These, said Mr. B., were the register of the votes, called scrolls; and, being imperfect, had not been regarded alone as the highest description of authority.

Mr. B. hoped the subject would not be committed; for such a course was only designed to cause delay. He desired the fullest and strictest investigation into the testimony relied upon by the committee; and he was well assured that but one result would ensue: a confirmation of their report. If it were committed to the Committee of the Whole House, it never would be terminated, neither that session nor in the ensuing one.

Mr. B. was about, he said, to go into a brief history of the case, when

Mr. MAURY interposed, and raised a question of order: whether a motion to commit, which was the pending one, opened the whole merits of the question.

Mr. SPEIGHT remarked that the gentleman was probably not aware that the motion was to commit with sundry instructions, and these instructions probably opened the whole merits of the case.

The CHAIR so decided that the instructions did open the merits of the case.

Mr. BOYD proceeded, and entered into a brief statement of the acts of both parties, from the time the petitioner gave the sitting member notice of his intention to contest his seat, on the 2d of October, up to the time

of the testimony being submitted to the committee. With regard to the admissibility of the testimony taken subsequently to the report, he was opposed to it, and was further of opinion that no testimony should have been considered which was taken after the meeting of Congress; but no application was made for further time till about the middle of January. This application was made, it should be borne in mind, after the party making it had had an opportunity of examining all the testimony, and knowing that it was insufficient to enable him to retain his seat. This was one act of the committee, which Mr. B. thought they were censurable for; for his opinion was that neither party should have been made acquainted with what the report would be. The sitting member had suffered upwards of sixty days to elapse before he made his application for further time, until he discovered what the report of the committee would be. His reques was then unreasonable, and ought not to have been complied with. The case having been, therefore, closed, he thought the additional testimony ought not now to be received. That motion had for its object, and was in effect nothing else than, to procure further time to hunt up testimony—an application the House had refused by its vote of Saturday last.

Mr. HOAR desired further information on certain points he had not heard touched upon, before he was able to give a reason for his vote. He confessed that he was unable to perceive any good ground on which the question, from the facts before the House, could be settled. What were they? The election took place on the 13th of August, and on the 29th of October the petitioner gave notice that he should contest the sitting member's seat.

Mr. BOYD said, the 2d of October.

Mr. HOAR. Well, he gave notice on the 2d that he should proceed on the 29th of October. Look at the character of this notice. It stated neither the reason nor the grounds for the contest; nor did it contain the names of the witnesses, or the kind of testimony expected from them. Upon referring to the report, he found that the petitioner had continued taking depositions up to the 2d day of December, after the sitting member must have left for Washington. Again: the election taking place on the 13th of August, the petitioner had the advantage of all the interval of time between the day of election and the close (the 29th) of the month of October. With all these disadvantages, the sitting member entered into the investigation, and presented a protest against the admission of certain testimony, which was not decided upon by the committee till the 14th of January, and then that gentleman asked for further time. Mr. H. would then ask the committee whether, without a physical possibility of knowing the evidence against him, the sitting member should be debarred from producing all the testimony he could in his own favor? He was at a loss to understand the principle upon which the majority of the committee had come to the conclusion they had; and until he did, he could not sustain it. Testimony had been taken by the petitioner since the sitting member left home, and some opportunity should be afforded to rebut it; otherwise great injustice would be done him.

Mr. BEARDSLEY said there might be great force in the remark of the gentleman from Massachusetts, that the sitting member's case had suffered by the petitioner having taken evidence since he (the sitting member) left home, if that gentleman had rested his defence upon that ground. If he had come to the House and stated that he was taken by surprise by the evidence taken since he left home, that would have presented a different case. But the sitting member was asked, when the subject of time was up some time ago for discussion, whether he desired time to take new evidence of which he had knowledge, or to hunt up evidence; and the gentleman distinctly answered that he did not ask time to discover new evidence, but to take evidence of which he was privy. No complaint had ever been heard from the gentleman, that he was taken by surprise at the depositions taken since his departure from home. No complaint of this nature had been heard from him in the House, nor, as far as the report showed, in the committee.

Mr. WISE remarked that politicians were not good judges of contested elections; but when lawyer politicians became judges, then there was no expectation of either truth or justice. He was himself not swayed by party in this case; indeed, he could not be, for he understood that both gentlemen came out before the people for the same candidate he supported, (Judge White.) He complained that the most material party in this case was forgotten—the people; and the whole had been treated as a case of *meum* and *tuum*, between A B and C D. Now, the question was not one between Graham and Newland, but whom had the people elected. He understood the object of the motion then pending to be, to bring in the testimony taken since the report of the committee was made. These depositions were understood to vary, materially vary, the report of the majority of the committee, and he could conceive no reason why they should not be admitted. Could a decision of the Committee of Elections set aside the constitution and laws of North Carolina? That would be the effect of affirming the decision of the committee, if the additional testimony were taken pursuant to those laws. But the decision of the committee, that these gentlemen should not have further time did not assert that they should take no further depositions. He asked the gentleman at the head of the majority of the committee, if such were not the fact?

Mr. BOYD admitted that the decision of the committee applied only to the application for further time.

Mr. WISE then proceeded at length to contend for the admissibility of the subsequent testimony, and referred to the practice of law and equity courts, which, under analogous circumstances, would, he contended, decide in its favor. Justice to the people of North Corolina required that the House should not pronounce a decision in which their rights and interests were involved, without having all the evidence before them. Mr. W. stated that he had heard from good authority that there were tens and fifties of bad votes, not reported either by the majority or minority of the committee; and this was another reason why the House should have every tittle of the testimony before them. He reiterated that that House was an unfit place to try the case of a contested election, especially in view of a presidential election; and he could already foresee and prophecy how every vote would be recorded in the present case. He referred to the case of Moore and Letcher, as having been debated exclusively on party grounds. He admitted that he was himself unfit to decide the question, and it was from that conciousness, and from the scenes he witnessed around him on that occasion, that he had voted to refer it back to the people. What he did in that case, he should do in the present, vote to refer it back to the people, and let them decide.

Mr. ANTHONY remarked that it had been evident, for some time, that there was a continued and labored attempt to make this a party question by some gentlemen there; and he need only refer to the various motions that had been made from time to time in proof of the fact; but he earnestly appealed to the House to set aside party feelings on this question.

Mr. A. went into a history of the proceedings, as detailed in the report of the committee, at some length, to show that there was no necessity to commit or recommit the subject, and entered into an elaborate argument in support of the views of the majority.

Mr. PEYTON appealed to the gentleman from New York to withdraw his motion, and thus bring the question on the additional testimony immediately before the House.

Mr. HARD accordingly withdrew it.

The question then recurred on the amendment of Mr. Graham, to add the resolution before indicated, to admit the additional testimony.

Mr. GRAVES moved an adjournment, but withdrew it to enable the Chair to present a communication from the Secretary of War; after which,

The House adjourned.

Saturday, March 26.

PENSACOLA AND PERDIDO RAILROAD.

The House resumed the consideration of the bill from the Senate to authorize the Pensacola and Perdido Railroad and Canal Company to construct a railroad through the public lands; the motion pending being that of Mr. Williams, of North Carolina, to commit the bill to a Committee of the Whole House.

Mr. WILLIAMS, of North Carolina, said that, having had some conversation with the gentleman who had reported the bill from the Committee on the Public Lands, [Mr. Chapman,] he had come to the conclusion to withdraw his motion to commit.

The CHAIR then announced the question to be on the third reading of the bill.

Mr. PARKER inquired if there was a quorum in the House.

The CHAIR counted the members, when it appeared that 117 were within the bar—no quorum.

Mr. PARKER moved a call of the House; which was negatived.

Upon a second count, 122 members, being a quorum, were found to be in attendance.

The bill above referred to was then read, for information.

Mr. HARDIN moved to amend the bill by striking out 180 feet, as the width granted for the construction of the road, and inserting 80 feet in lieu thereof. Mr. H. stated that the amendment which he had proposed was assented to by the Delegate from Florida, [Mr. White,] who was not then present.

Mr. CHAPMAN should have objected to the amendment, as calculated to defeat the objects of the bill; but, as the Delegate from Florida was understood to acquiesce in the amendment, he would be disposed to yield his own opinion on the subject. He repeated, however, that he considered the amendment as fatal to the objects of the company.

Mr. MERCER remarked that the charter of the company required that the road should be only 80 feet in width. The argument of the gentleman from Alabama [Mr. Chapman] would only go to show that the company had accepted an impracticable charter. The Baltimore and Ohio Railroad Company occupied a width of only twenty feet. It was proposed to give the company, under the bill before the House, eighty feet, which he deemed amply sufficient.

Mr. RIPLEY said, as there were several similar applications from Louisiana, for the privilege of constructing railroads through the public lands, he hoped that the present question would not be decided in a manner to make it an injurious precedent. Experience had shown that considerable more space than the mere width of the railways was necessary, in order to erect depots, &c. The committee had reported in favor of granting a width of two hundred feet to the Carrollton railroad, in Louisiana. This, he contended, was not too much. The lands in the vicinity of the Perdido were comparatively worthless; and to stickle about a proposition which looked to the construction of a great thoroughfare, like the one proposed, was unworthy of Congress. Mr. R. adverted to the enhanced value of the adjacent public lands, owing to the construction of railroads. The lands in the vicinity of the Atchafalaya railroad were not previously worth one dollar per acre; since the location of the road they had risen to fifteen or twenty dollars. He would not say that there was any jealousy on the part of members, but particular scruples seemed to exist on this subject. He was decidedly opposed to the proposed amendment, unless the Delegate from Florida preferred that it should prevail.

Mr. HARDIN remarked that the bill gave to this company, in the character of an "incorporated hereditament," a tract of country sixty yards in width, and perhaps two or three hundred miles in length. If there was only one project of the kind, it might not be an object of so much importance; but there were numerous applications for similar grants. In this case, the charter gave a width of eighty feet, when twenty were enough. The Delegate from Florida was content with eighty feet. Mr. H. desired to see this charter. He wished to know if it afforded the United States a fair chance to transmit the mails, munitions of war, &c. He did not want these to be carried free, but upon reasonable terms, and without the power of extortion. This was a charter, not of that House, but was granted by the Legislative Council of Florida. Perhaps not five members in the House had ever seen this charter, and they ought not to act without knowing whether it sufficiently guarded the interests of the United States. He concluded by calling for the yeas and nays on his motion to amend.

Mr. MERCER was authorized by the Delegate from Florida to move the same amendment as the one which had been proposed by the gentleman from Kentucky.

Mr. RIPLEY was perfectly satisfied, after the declaration of the gentleman last up.

Mr. HARDIN withdrew the call for the yeas and nays.

Mr. PARKER thought that time had been wasted in discussing a bill which had never been before the committee to which it rightly belonged. He would, therefore, move that the bill be committed to the Committee on Roads and Canals. There was another bill on the same subject, which he should also move be committed to the same committee.

Mr. CHAPMAN opposed the commitment. He had not seen the charter of this company, but presumed it was properly guarded, so far as the rights of those immediately interested were concerned. He entered into a defence of the system of improvements, by means of railroads, in the South, which he considered had been assailed by the gentleman from Kentucky, [Mr. Hardin,] and also into the propriety of complying with the applications for right of way through the public domain.

Mr. MERCER was opposed to the commitment. He believed the subject should not originally have been referred to the Committee on the Public Lands; but to send it now to a different one would be a reflection upon the committee which heretofore had charge of it.

Mr. BOON (chairman of the Committee on the Public Lands) had no pride in reference to the cognizance of this bill. He felt particular interest in regard to the precedent which might be made in this case. Mr. B. adverted to the large appropriations for railroads and other improvements which had been made by the Legislature of Indiana. If the views of the gentleman from Kentucky [Mr. Hardin] were to prevail, it would be tantamount to denying to the new States the privilege of opening such communications as were demanded by the commercial operations and the growing prosperity of that portion of the country. The committee had, in several cases, reported bills granting a width of one hundred and fifty feet for these thoroughfares. This, he contended,

was not too much, particularly when it was recollected that the value of the lands in the vicinity were greatly enhanced by the improvement.

Mr. GRENNELL said that the bill involved important interests, and should not be passed in a hurry, without such information as to enable them to vote intelligently. He adverted to the large grant which was proposed in the bill, as a reason why they should act understandingly on the subject. He desired to know from the chairman of the committee whether the charter of this company was before the committee; and if so, what were its provisions, as it was to form the basis of legislation.

Mr. BOON, in reply, said that the charter was not before the committee. The bill had, in committee, been given in charge to the gentleman from Alabama, [Mr. CHAPMAN,] who was best acquainted with the proposition.

Mr. DAVIS moved to commit the bill to the Committee on Roads and Canals, with instructions to provide for the transportation of the United States mail on the proposed railroad, by an amendment not contravening the rights of the company.

Mr. RIPLEY felt considerable solicitude on this subject, representing, as he did, a part of the country where three of these companies had been incorporated, and had made similar applications for the privilege of constructing their roads through the public lands. Railroads were now the order of the day in the South. He contended that two hundred feet in width was not too much in that section, when it was recollected that the products transported upon those roads were of a bulky description. He again adverted to the enhanced value of the public lands on account of the opening of railroads, and the unprecedented amount of revenue now derived from that source. He apprehended it was believed by many of the members, that a part of these grants would be applied to other objects: for the erection of houses, laying off towns, or other speculating purposes. This could be easily remedied by an amendment, prohibiting the use of the lands granted for any other than public purposes.

After a few suggestions by Messrs. PARKER and DICKERSON, the bill was, on motion of Mr. CASEY, committed to the same Committee of the Whole to which a similar bill from the Senate had been committed.

CONTESTED ELECTION.

The House then, pursuant to the resolution adopted on Saturday, the 19th of March, proceeded to the consideration of the special order, being the report of the Committee of Elections, on the contested election for the twelfth congressional district of North Carolina.

The report of a majority of the committee was in favor of the petitioner, David Newland, and concluded by the following resolution:

"*Resolved*, That James Graham is not entitled to a seat in this House, and that David Newland is entitled to a seat in this House."

Mr. GRAHAM moved the following amendment thereto: Strike out all after the word "Resolved," and insert the following:

"That the depositions which have been communicated to the House by the Speaker, and laid on the table, since the report of the Committee of Elections was made, wherever taken upon due notice, shall be received by the House as testimony in this case," (concluding with the names of the voters.)

Mr. G. having modified his motion by moving the foregoing amendment as an addition to the resolution of the committee, and

Mr. HARD having withdrawn his motion to commit the two reports and the additional testimony to a Committee of the Whole House,

Mr. GRAVES, who was entitled to the floor, gave way to

Mr. RENCHER, who said he had a series of resolutions to propose as an amendment to the resolution of the committee, which would bring the whole subject substantially and in detail before the House; and he asked his colleague [Mr. GRAHAM] to withdraw his amendment, as the propositions he (Mr. R.) intended to submit would embrace it.

Mr. GRAHAM accordingly withdrew his amendment, and

Mr. RENCHER submitted the following:

1. *Resolved*, That the depositions which have been communicated to the House by the Speaker, and laid on the table, since the report of the Committee of Elections was made, whenever taken upon due notice, will be received by the House as testimony in this case.

2. *Resolved*, That the five votes taken from the Commons box at the Franklin precinct in Buncombe county, and counted for the petitioner, ought not to be counted.

3. *Resolved*, That the three votes which were stricken from the petitioner's roll by the judges at Asheville, in Buncombe county, because it appeared, by the return of the judges from the Henderson precinct, that those of the votes given the petitioner were given by voters living in Yancey county, and which have now been added to his poll by the committee, ought not to be allowed.

4. *Resolved*, That two votes (to wit: Robert Lankford and George Barkley) stricken from the roll of the sitting member by the committee, on the ground that they voted out of their proper county, ought to be restored, because there is no proof that they lived out of the county in which they voted.

5. *Resolved*, That two votes (to wit: Moses Pace and Andrew Morrison) which were proven by parol testimony to have been given for James Graham, out of the county in which they reside, and on that account have been stricken from his poll by the committee, ought to be restored, because it does not appear from the poll-books themselves that either of these men voted at the election.

6. *Resolved*, That Wm. H. Milton ought to be stricken from the poll of the petitioner, because it appears that he had not paid a public tax.

7. *Resolved*, That the five votes, found on page 6 of the report, which have been counted for the petitioner, but which were not given in at the polls, ought not to be counted.

8. *Resolved*, That there is no evidence that these men were qualified to vote, not having lived in the county where they offered to vote twelve months immediately preceding the day of election, as required by the constitution of North Carolina, or that they tendered their votes as required by the law of that State.

9. *Resolved, therefore*, That ——— is entitled to a seat upon this floor as a Representative from the twelfth congressional district of North Carolina.

Mr. R. did not submit these resolutions for the purpose of making a speech thereon, but simply for the purpose of bringing the subject before the House in such manner as they might vote on each separate proposition. He therefore asked a division of the question, so as to take the sense of the House on each of the resolutions; and by the time they came to the ninth resolution it would be decided who was entitled to the seat. He hoped that the House would take each proposition by yeas and nays, so that the country might know the opinion of the House on each of the propositions submitted.

Mr. BYNUM hoped the House would not receive an individual one of the propositions submitted by his colleague, [Mr. RENCHER.] If the House had any regard for its own dignity or the interests of the country, it would not consent to receive those propositions. If gentlemen look but one moment, they would perceive that the case presented a striking similitude to one of

the most extraordinary cases ever before the House; he meant the case of Moore and Letcher. It was within the recollection of the members of that House what were the consequences of departing from the known rules of parliamentary precedents. He asked what committees were formed for, if not to examine subjects of that kind in detail, and after examining the various details to come to one general result, to report the facts to the House, and then call upon the House to sanction or reject their report? He asked if the House would attempt to deviate from that rule? If they did, they would find it perfectly impracticable to get through with the subject. If the House had commenced examining the subject in detail, he ventured to predict that two thirds of the session would have been consumed in the consideration of that one single subject. If those propositions were to be kept before the House, and each one in the House was to consume as much time in arguments thereon as had already been consumed in committee, they would not adjourn before the meeting of the next Congress. Every one must recollect the immense time consumed in the committee, where there were only nine members to raise arguments; and if the subject was to be examined in detail in the House: where there were two hundred and forty, he asked what the consequence would be? Much had been said about responsibility in the House, and he now called on gentlemen to come up and meet the responsibility. He hoped the House would not attempt to sanction a proposition, with a view of merely calling off attention from the main question.

The CHAIR said it was not in order to impugn the motives of the gentleman who submitted the motion.

Mr. BYNUM said he merely spoke of the proposition, without reference to the motives of the gentleman.

Mr. RENCHER inquired if his motion to amend was out of order?

The CHAIR said it was not out of order.

Mr. BYNUM resumed. He knew the gentleman had a precedent for his motion, but that precedent had met the universal disapprobation of every impartial member of that House. The House had set the precedent, which it was proposed they should follow, by attempting to examine, in detail, the Moore and Letcher case; and, after taking the yeas and nays some half a dozen or a dozen times, they found themselves involved in an inextricable difficulty, and their proceedings a perfect medley of inconsistency. What was the result? In order to get clear of the whole subject, they agreed to ward off the responsibility, and refer the subject back to the people of Kentucky. He hoped this would not be the case on the present occasion. He hoped the House would decide, as a body of its character ought to decide, upon the validity or invalidity of these reports. If the majority in their report had drawn wrong conclusions, let the minority show that the majority's report was erroneous, and the House would have independence enough to decide that it was erroneous; but he hoped the House would not go back, and retrace the grounds the committee had just passed over. He said he was prepared to show some of the most extraordinary inconsistencies of the minority of the committee, ever committed by any set of men; then, if they intended to act, let them compare the reports, and judge of them; and if the report of the majority could be substantiated, then they could strike out the majority's report. He anticipated a motion to draw them off from the general conclusion, and render action on the reports nugatory. Such a course might be adopted, when the House thought the committee had done wrong; but he hoped the House would not sanction this proceeding in this instance.

Mr. B. inquired if the question could be further divided?

The CHAIR said the motion to strike out and insert was indivisible.

Mr. HARDIN said the gentleman from North Carolina [Mr. BYNUM] seemed to be apprehensive that the dignity of the House would be compromitted by adopting the propositions then before them. Now, there seemed to be five votes which the committee had given to the petitioner, not because these persons did actually vote for him, but because they intended to vote for him, and were refused the privilege by the judges of the election. Would the dignity of the House be compromitted by considering a proposition to strike them off? He thought not. Again: at one of the election precincts, it appeared there were five votes received for the petitioner, which were not on the poll-book at all. There were only one hundred and forty-five votes polled, yet there were counted one hundred and fifty, in consequence of there being five votes in the Commons box for the petitioner. These votes were admitted by the committee. But he contended, if such votes were to be received, that almost every man might vote twice. Another was, that the committee had set out with the intention of receiving no hearsay testimony, yet some of their most material facts were decided upon hearsay evidence; and it was necessary for the House to have some such propositions as those then before them, to come to a correct conclusion. They had the right to make such propositions, and they would claim the right to have a vote of the House upon them, unless cut off by the previous question; and they were all equally mindful of the honor and dignity of the House and the nation. Mr. H. referred to the case of the Moore and Letcher contested election of the last year, stating that some gentlemen had voted inconsistently.

Mr. HAWES rose to a point of order. He did not consider the gentleman in order in alluding to votes of gentlemen on a former occasion; and he took down and sent to the Chair the words of the gentleman.

The CHAIR decided that the gentleman had a right to refer to the case of Moore and Letcher, if by so doing he intended to apply it to the present case.

Mr. HARDIN was glad to hear that he was not out of order. He was merely replying to the remarks of the gentleman from North Carolina, [Mr. BYNUM.] Mr. H. then went on to state several instances in the Moore and Letcher case, in which the committee had stricken out votes given for Mr. Letcher, but the House afterwards inserted them; after which it was found that Mr. Letcher was ahead. After this, Mr. H. said, some gentlemen who were on that committee voted that they could not decide which of the gentlemen were entitled to the seat.

The CHAIR said if it was the gentleman's purpose to apply the former to the present case, it would be in order; but that it would not be in order to re examine the case of Moore and Letcher.

Mr. HARDIN resumed. It did seem to him that it was utterly impossible to decide the present case in any way, unless in the manner proposed. Some of the propositions he would vote for, and perhaps some of them he could not vote for. It appeared that there were several grave legal questions settled by the committee, and it was necessary that the House should examine them, and see if they were correctly settled; besides, he did not want any evidence taken, except such as was of the most positive character.

Mr. MERCER said they were then sitting as a court of justice, for the purpose of deciding an important cause; a cause in which not only the rights of the people of North Carolina, but the rights and dignity of the people of the United States, were involved. He considered the propositions before the House as the best that could be adopted. He did not consider that they could arrive at just conclusions in any other way than by considering

and deciding upon independent propositions. He alluded to the Virginia Legislature, in which similar propositions were brought forward in similar cases; and there they never had any difficulty in coming to just conclusions, and in coming to them speedily. He wished for the present to have distinct propositions laid down and settled, that in after times some correct principles might be left to be referred to by those who might succeed them.

Mr. WADDY THOMPSON would be glad if the House should take the course indicated by the resolutions then before them. He wished to have an opportunity of voting on those propositions separately; on some of them he might vote for the petitioner, but on others he could not; and, therefore, he desired to have the opportunity of voting on them separately. He was astonished that any gentleman should object to the first resolution, for it appeared to him that they ought to receive all the evidence legally taken. He compared the report of the committee to the report of a commissioner in chancery, and argued that the better manner would have been to refer it back to the committee. It was not the parties there which were concerned, but the people of the twelfth congressional district of North Carolina who were interested; and, on these grounds, he argued that no matter how great the laches of the sitting member might have been, yet they ought to grant further time. But the sitting member had shown that he had written to some of his agents, and that he was disappointed in getting their services; therefore, he would receive the indulgence of any righteous judge upon earth. But the application was that the testimony now on your tables be received, so that every man might make up his mind understandingly and justly. This he considered a most just and reasonable proposition. The committee, no doubt, had done their duty, with all the information in their power; but here was new testimony, which had come in since the report had been made, and he wanted all the evidence which could be procured. The evidence might make him decide in favor of the petitioner, or it might make him decide in favor of the sitting member. However that that might be, he wanted to receive it. He also wanted to vote separately on the five votes spoken of; and if the final result was to be affected by those five votes, he should be in favor of sending the election back to the people.

Mr. McKAY was glad these distinct propositions had been presented, for he supposed he might infer that they presented the points upon which the sitting member's case relied. Mr. McK. referred to a brief of the testimony distributed by the sitting member, and to various depositions in the report of the committee, into a minute examination of which he went; and produced the original poll-book, or scroll, of Buncombe county. It appeared that the latter was imperfect, and that persons had voted whose names were not now found on it. The returns show that Graham received 120 at Flat Rock, Newland 95; whereas the poll-book contained only 214 names. He also pointed out some other discrepancies or hiatus therein.

Mr. RENCHER asked if that was the original poll-book, or a mere copy?

Mr. McKAY replied, that he understood it was the original.

Mr. RENCHER thought they were the sheriff's copies.

Mr. GRAHAM remarked that they had protested against the admissibility of those poll-books.

Mr. McKAY replied that they were the original records, taken out of the clerk's office. He remarked that these records were not of the value or authenticity some gentlemen seemed to think, for they were never preserved by the clerks. Mr. McK. then proceeded into a minute examination of several cases embraced in the report, and the depositions relating to Moses Pace, Samuel Blackwell, Thomas Dorton, Robert Lankford, George Barklay, Andrew Morrison, and William H. Runion.

Mr. WISE, having examined the poll of Flat Rock, interposed and remarked there was a still more material variation which the gentleman had overlooked. It stated that Graham had received 120 votes, and Newland 95, making 215; but the sum total at the end stated the number of votes to be 214, being one less than the number returned. But this was not all: Mr. W. had counted over the names, and found there were only 114; the numbers opposite the names were correct up to 56; but the next number began with 157, and so ran on, making the return 100 or 101 more than it should have been.

Mr. McKAY proceeded. That made no difference in the result. He agreed with one of the propositions of his colleague, [Mr. RENCHER,] and that was, that the five votes found in the Commons box, having the name of David Newland on them, which were taken therefrom, placed in the Congressional box, and counted for Newland, should be stricken off the petitioner's poll. He had no doubt the judges had done it innocently and conscientiously, but they had done wrong, and were not authorized to do so by the constitution and laws of North Carolina.

He also concurred with his colleague that the constitution required a residence in the county twelve months preceding the day of election. He agreed, in sum, with his colleague, [Mr. RENCHER,] that the above-named five votes should be stricken from the petitioner's poll; also, the three votes for Newland in Yancey county, stricken off by the judges at Asheville; and that a twelve months' residence in the county was indispensable. Mr. McK. then entered into a detailed reference to the depositions, applying the principles of the foregoing propositions of Mr. RENCHER, which brought out a majority for the petitioner, testing it by one rule of four, and by another of two, votes. If, however, the subsequent testimony should be held admissible by the House, the sitting member would then have a majority, and be entitled to the seat.

Mr. HAMER addressed the House as follows:

Mr. Speaker: A number of gentlemen in the course of this discussion have expressed their surprise at the sentiments which have been advanced by others, in reference to the points involved in this controversy. I must be permitted to express my surprise at the sentiments which those gentlemen have themselves maintained. We are gravely told that we are sitting in a judicial capacity, performing a solemn duty, and bound to decide according to right and justice. Why, we are all aware of that, sir. One gentleman, however, informs us that he does not consider himself qualified to decide this question. I believe I am not misrepresenting the gentleman. I so understood him at the time, and I find it so reported in one of the morning papers.

[Mr. WISE rose to explain. What he had said was this: he did not consider himself "fit" to decide this question, nor did he consider the gentleman from Ohio "fit" to decide it.]

Mr. H. said he had not then misunderstood the gentleman; he understood him at the time to include all the members of the House as unfit to decide the question. A great deal had been said by that gentleman and others about party influence upon a case like the present. It is thought that we cannot adjudge between the respective claimants without being governed by this influence. It seemed, from the opinions expressed by some gentlemen, that this party influence, too, was all on one side. He would ask any gentleman to look over the yeas and nays taken in this case, or in the case of Moore and

Letcher, or in any other case of a contested election in high party times, and he would then appeal to his candor to say whether party considerations influenced the dominant party alone. Sir, said he, if any one attempts to sustain that position, I apprehend he will find every important fact upon record to be decidedly against him. It would be sufficient to satisfy any one on this point, to turn to the votes given last week upon the proposition to fix Thursday for the discussion of this report of the Committee of Elections. If gentlemen would talk about party, they might there see which political party it was that voted, to a man, upon one side of a party line, and which one it was that crossed that line. He held that we ought not to be governed by party considerations in such cases; and in that sentiment we all seemed to agree. But, unfortunately, there were parties in this, as well as in every other free country, who professed one thing and practised another. It did appear strange, however, that after so much had been said upon the influence of party, we should be informed by the gentleman from Virginia [Mr. Wise] that both these individuals, the sitting member and the petitioner, are of one and the same political party.

[Mr. Wise explained. He had spoken cautiously and guardedly. He had understood that, in their canvass before the people, both gentlemen had avowed the same principles, but he knew not what might have been the effect of the magician's wand since then.]

Mr. H. continued. He did not know, personally, what these gentlemen's political opinions might be with regard to the approaching presidential election. He could only know from what he had heard, that they were both of the same party, and both opposed to him. If so, he (Mr. H.) could have no party considerations to govern him; nor could any other member of the House. Both of them belonging to one party, their political friends in the House would be voting between two friends; and those who differed in sentiment would be deciding between two political opponents. So that, on all sides of the House, every gentleman would be perfectly unbiased and impartial.

The constitution of the United States, he remarked, made it our duty to decide this question. By that instrument, this House is made the judge of the election and qualification of its own members. And whether we were "fit" or unfit, in the language of the gentleman from Virginia, he would say to that gentleman, and to every other, that it was our duty to examine ourselves and prepare our minds, as far as poor human nature would admit, to investigate this case fully, and to determine it impartially. We owed it to ourselves, to the parties interested, and to the country at large.

All who had spoken in debate had taken occasion to comment upon the importance of this case. In the views thus expressed he entirely concurred. But whilst its importance to the twelfth congressional district of North Carolina, as well as to the whole country, had been conceded on all hands, some gentlemen had contended that the individuals claiming the seat have no interest here. He dissented from this doctrine. They had a deep interest; one of minor importance, to be sure, to the interest which the people of the district have; but still a deep and abiding interest. Sir, said he, has not every member on this floor an interest in the seat he has here? Is it not one of the most honorable positions that can be occupied by mortal man? If not, why do gentlemen encounter so much trouble, anxiety, abuse, and privation, to obtain the privilege to sit here and deliberate upon the welfare of our countrymen? Each one has a right to his seat, derived from the suffrages of his fellow-citizens; and each of these claimants has an interest in this question, which he estimates in proportion to the actual value of the station which he claims, and his supposed chance of success. We have a duty to discharge, then, towards these gentlemen themselves, as well as to the people of the district which they both aspire to represent.

He said there had been unreasonable delay in the decision of this controversy. If we did not proceed to dispose of such subjects with greater despatch, no one would be willing to contest an election in this House. Contests of this description were always unpopular; there was a strong feeling in the community against them; and this was shown by the fact, that very generally, when the question had been referred back to the people, they had decided against the contestor. This consideration, in connexion with the great expense of collecting testimony, the time lost in arranging the case for presentation, the suspense and anxiety attending the trial, and the delay and expense of four or five months in Washington, must necessarily deter almost any man hereafter from a contest. We were, therefore, setting a bad precedent; for if an individual obtained a certificate of election, no matter whether by fraud or accident, either in himself or others, he would hold his seat, and wrongfully represent the district for two years, although, upon a fair and full examination of the polls, all might be perfectly satisfied that he was not entitled to a place on that floor. It was wrong to throw any such obstacles in the way of obtaining justice; and he was sure no gentleman would knowingly contribute to produce such a result.

It was certain, however, that there seemed to be an unwillingness on the part of the House to hear discussions of this kind. It interfered with public business of much importance, which it was supposed ought to take precedence of it; and it frequently interfered with private bills, which gentlemen were anxious to have passed. Besides these difficulties, it required a study of dry details of law and fact, which were exceedingly uninteresting, and which many members were disinclined to read, because they resided in other States of the Union, and could feel no particular interest in the points presented by these details. In addition to all these considerations, a contest like the present crowds out certain party debates, connected with the presidential question, in which some of us are anxious to engage, or are very willing to hear. Under the influence of so many unpropitious causes, it is almost impossible for an individual to obtain a thorough, patient, and early investigation of his claims to a seat on this floor.

This was wrong. It was a question that related to the organization of the House itself—to its very existence. It was in fact a question whether we had a House of Representatives; and, if so, who composed it. It ought, therefore, to be promptly acted upon and determined. No one should be permitted to sit there and vote, unless he had really been elected, and sent to do so by the people of the district. Without such election, his acts were not binding upon the country; and the community would not acquiesce in the legislation of unauthorized agents. A case might be easily imagined, where a law of the greatest consequence should be carried through the House by the single vote of one member, whose seat might on the day following be declared vacant, because he had not been duly elected, and had in truth never been a member of that body. The necessity, therefore, of speedy action, must, he thought, be apparent to all, and he trusted no further delay would be allowed. Already had four months elapsed since the subject was presented. The committee had reported some time in February, and we had been one or two weeks engaged in the discussion of preliminary points. Had we decided a single question, or progressed a single step in the investigation? We had not. He was astonished that gentlemen should occupy so much time in

fighting upon the borders, and skirmishing along the frontiers. Why not come up to the main question? Why not advance to the merits of the controversy, and not consume week after week in debates about mere incidental points, that could lead to no practical results?

On this morning there had been presented a series of resolutions, by the honorable gentleman from North Carolina, [Mr. RENCHER,] which it was said would facilitate our investigations, and, if adopted, would show the country and posterity upon what principles this case is decided. He denied that such would be their effect. A part of these propositions were mere truisms. Take, for example, the first one, that "testimony taken upon due notice will be received by the House." All agree to this. But what is "due notice?" When we have adopted the resolution, we shall be as far from a conclusion as we were before. Every gentleman will have to determine for himself, when a deposition is presented, whether it has been taken upon "due notice;" and one will determine that question in the affirmative, and another in the negative, according to their respective opinions of what is legal and reasonable notice; so that nothing is gained by the adoption of the gentleman's resolution. Why then discuss what nobody denies, or adopt that which cannot furnish us the slightest assistance in the investigation before us?

Others of these resolutions were sufficiently definite as distinct propositions, but, as regarded the final result of the contest, they were wholly vague and indefinite. He could not, therefore, vote for them. They were calculated to mislead the public mind as to the principles upon which this case might be decided. He did not attribute any such intention to the gentleman who moved them, he only spoke of the character and effect of the resolutions themselves; he would show why they were thus deceptive.

Upon the face of these resolutions, if they were adopted by the House, and the first one should be so construed as to let in the new testimony now offered by the sitting member, he [Mr. GRAHAM] would seem to be clearly and fairly elected by a majority of the qualified voters of the district; and yet he may not be so elected; and a member of this House, who votes for all these propositions, may honestly and properly vote to admit the petitioner to a seat here, in place of the gentleman who now occupies it. This might seem strange; but it was, nevertheless, true.

For the sake of illustration, he would suppose a case. A and B have difficulties of a pecuniary character, which they cannot settle themselves, and they refer them to three of their neighbors, as arbitrators. A's account consists of three items, of one thousand dollars each. The first is a balance of a book accouut, the second a balance on a promissory note, and the third a balance of the purchase-money of a tract of land, sold to B; all of which, hecontends, are justly due him. B, on his part, denies the validity of these claims; alleges they have all been paid, and claims a balance of five thousand dollars, as justly due him, on a fair settlement with A.

The arbitrators, after hearing all the testimony and arguments, unanimously decide that B's accounts are not established, and must be rejected. They then take a vote separately upon A's three items. The first one is rejected, C voting for and D and E against it; the second one is rejected, D voting for and C and E against it; the third is rejected, E voting for and C and D against it. Here would appear to be an end of the case; but it is not so. A vote is then taken upon the whole of A's claim, and he is unanimously allowed and awarded one thousand dollars against B. C allows him one thousand dollars on his book account, D a like sum on the note, and E the same amount upon the contract for land. Each one is perfectly satisfied that A is entitled to the one thousand dollars; upon this point they are unanimous; but each one has his own particular reason for thinking so; and each one arrives at the conclusion by his own course of examination and comparison. This, he said, was a case perfectly analogous to the one before the House, and it was stated in such a simple and concise form that a child might comprehend it.

But apply the same process to a contested election. A, the sitting member, has a majority of one vote; and B claims a majority of fifteen, in this way: he alleges that two of A's votes were given by aliens, two by minors, and two by non-residents; and that the returns from a precinct or township where A got a majority of ten votes ought to be rejected, on account of the illegal manner in which the election was conducted. The subject is referred to a committee, and they report that B's allegations are sustained, except as to the precinct; the votes of which, in their opinion, ought to be retained. They conclude their report with resolutions, declaring that A is not entitled to a seat, and that B is, having a majority of five of the whole number of qualified votes given in the congressional district.

The House, composed of two hundred and forty members, then proceeds to act upon the separate propositions involved in the contest. The first forty members called sustain the committee as to the aliens, but the remaining two hundred decide the votes to be good; the second class of forty members sustain the committee as to the minors, but the first forty and the remaining one hundred and sixty reverse the decision of the committee on that point; the third class of forty members called decide with the committee as to the non-residents, but the first eighty and the remaining one hundred and twenty are of a different opinion; the fourth class of forty vote that the precinct returns ought to be retained; but the first one hundred and twenty and the remaining eighty decide that it should be rejected. Thus, every decision of the committee upon these several points is reversed; and there would seem to be a large majority of the House in favor of the sitting member. But a vote would then be taken upon the main question: the resolutions of the committee, which were the results of their investigation. The classes of members who had been in the minority upon each several proposition were all composed of different and distinct individuals. The first class of forty would believe A to be in a minority of one, on account of the two aliens, and would vote against him; the second class of forty would believe him to be in a minority of one, on account of the two minors; the third class of forty would believe him to be in a minority of one, on account of the two non-residents; and the fourth class of forty would believe him to be in a minority of nine, on account of the illegal votes counted for him in the precinct or township, which ought to be rejected. These four classes of forty each, making a majority of two thirds of the House, would vote against the sitting member, and thereby sustain the result at which the committee had arrived; although the same House, by votes of two hundred to forty, had reversed all the different preliminary propositions which were to be found in the report. The House would arrive at the same conclusion as the committee; but they did so by another mode of reasoning, precisely as a judge or juror often decides a cause in favor of a party, but for reasons altogether variant from those assigned by his advocate. We might all meet at the same point at the same time; but, in travelling thither, each one would take the path that his own judgment or his own fancy might dictate to him. Was not this proper? Must not each gentleman be allowed to examine and decide for himself? Is he not bound to do so? And is not the common result of all these examinations and decisions, when thrown together, the judgment of the House?

From this simple statement it must be apparent to every gentleman that all attempts to place upon record our reasons for deciding this or any other case must be utterly vain and fruitless. It would involve members in seeming inconsistencies, which would require continual explanations to satisfy those who did not understand the whole case. No plan could be devised by the wit of man, which would show precisely upon what principle the House acted in coming to a conclusion, except to allow each member to make a speech, giving his views of the case at large, or to offer a string of resolutions, presenting the entire process of reasoning by which he arrived at the result that his final vote might indicate to his constituents. This would be utterly impossible. It would, in the one case, consume the whole year in making speeches; and in the other increase the journal to an enormous bulk; for no reason could be assigned why we should vote upon separate propositions in contested elections, that did not equally apply to all the other business of the House. To carry out the principle, we should occupy the whole session in writing and printing what nobody would read, to the exclusion of all the important business of the country. Were gentlemen prepared for this? If not, why did they urge these doctrines upon the House with so much zeal? How could this case be distinguished from any other? And yet, who ever thought of asking us to vote in that manner, upon an appropriation for a particular harbor, light-house, or fortification? Who has ever required us so to vote, upon a bill to increase or diminish the duties upon a particular article of commerce, to increase the army or navy, upon the admission of new States into the Union, or upon the allowance or rejection of a claim presented by an individual? Such demands had never been heard of, and yet they were as applicable to the one case as to the other. He was against them, because they did not give a fair and impartial view of the case. They were unjust in their operation. They might be true as far as they went, and yet they did not tell the whole truth. Whilst they showed why some members voted in a particular manner, they grossly misrepresented others, not only by not showing why they voted differently, but by implying reasons for their action which did not exist. All this was manifested by the argument of the honorable gentleman from North Carolina, [Mr. McKAY,] who had just addressed the House. He disagreed both with the majority and with the minority of the committee upon several points involved in this controversy. He also differed with his colleague, who submitted these resolutions. He took a view of the case which varied in some respects from any heretofore taken, yet he had come to the conclusion that Mr. Newland was entitled to a seat. So it was with every member on the floor. Each one would have his own peculiar views and mode of reasoning, to arrive at a result upon this subject. Some would think one party elected, and some the other; and some might believe that neither was entitled to a seat, and that the whole matter should be sent back to the people. To do justice to all alike, we must allow each one to present his own views, and have them recorded. He was therefore in favor of voting directly upon the main question, without requiring each member to evince, in detail, to the country, what might be his opinions upon all the questions of law and fact involved either in this or any similar controversy.

The first point before the House for consideration, after disposing of these resolutions, is, shall the sitting member be allowed longer time to take testimony? To answer this inquiry, we must ascertain why he is not ready now. Unless some good reason can be given why he is unprepared, we ought not to admit a further delay. What are the reasons? The principal one seems to be, that between the period of his receiving notice that the election would be contested, and the commencement of the session, there was not sufficient time to take his testimony; that he was under a "moral obligation" to come here as a member of Congress; that he was not bound to employ an agent to take depositions during the session, because he has a right to be personally present when they are taken; and therefore his testimony has not been procured. Now, if this be a correct view of the subject, longer time should be allowed. Let us see if it is so.

If he were under a "moral obligation" to come here at the commencement of the session, he is under a "moral obligation" to stay here now. The obligation has not diminished. It is as strong at one period of the session as at another. Yet he now asks the privilege of violating this supposed obligation, to go home and take depositions. This is a singular position. Or does he intend to remain here and transact the business through agents? If so, this could have been done as well at the commencement of the session as at present. Why did he not leave agents, when he came on here, to proceed in the collection of evidence and the cross-examination of the petitioner's witnesses? If that had been done, he might have had all the evidence that could have been obtained in the district, and would now be perfectly prepared, according to his own views of the case, to come to a final hearing. Whose fault is it that he did not do so? Not Mr. Newland's. Is the latter to suffer on account of the other's neglect? This is not just. Whilst we are so cautious about the rights of one of the parties, we must remember that the other has rights too. Each one has an equal claim to our protection; and before an order is made to the prejudice of the one, we must be satisfied that the other is fairly entitled to it upon principles of equity.

But I deny that there was any such "moral obligation" upon the sitting member, as is alleged. We often deceive ourselves in discussing a subject, by taking things for granted which cannot be proved, and which are not conceded by our adversaries. It is said he was morally bound to come here at the commencement of the session, and therefore did not stay to take testimony in the district. Why was he so bound? Was it because he was a member of Congress? That is denied, and is the very question we are about to try. The petitioner says he is the member from that district, and offers the proof to convince us that such is the fact. How can gentlemen talk about a moral obligation upon one of the parties that does not rest upon the other? They stand precisely upon the same ground with regard to the seat; each one claiming it, and calling upon the House so say who has the best title. True, the sitting member has temporary possession of the place, because he held a certificate of election; but a certificate is only *prima facie* evidence, as the lawyers call it, of a man's right to a seat. It is not conclusive. Better evidence can be presented than the certificate, and the petitioner informs us he has that evidence. The fact, then, that the sitting member had a certificate, created no "moral obligation" to come here. He knew his right to the seat was contested, that evidence would be presented here to overthrow his certificate, and he was bound, if he intended to make a defence, to stay himself or appoint an agent, and have his proof collected to sustain his claim. If he did not choose to do this, and should now lose by it, he has no one to blame but himself. He cannot set up a distinction between the rights of himself and the petitioner, to produce delay. It is a *petitio principii*, a begging of the question, to assume this distinction, when the point thus assumed is not only not admitted, but is peremptorily denied. If he must be considered a member of Congress at the com-

mencement of the session, and therefore not bound to defend his claim, merely because he has a certificate, he ought, upon the same principle, to be considered a member through every period of the session; and he might claim to remain here, notwithstanding the testimony may prove that he ought never to have had a certificate.

Again: it is urged that time shall be allowed, because he relied upon his protest, and expected the petitioner's testimony would be rejected. This is not a tenable position. Gentlemen are continually reminding us of the rules which prevail in courts of law. In those tribunals every man is bound to know what the law is; and if a party makes an issue upon a legal point, and relies upon it for his defence, if the court should decide it against him, he will not be allowed on that account to delay the opposite party in a trial upon the merits. If this principle were adopted, a continuance of the cause could at any time be obtained by making a legal issue. Upon gentlemen's own principles, then, this is not a good reason for delay. The sitting member chose to make a legal question, protesting against the legality of the proceedings, and asking the committee to overrule all the petitioner's testimony; but in the mean time he should have prepared for trial. When the legal principle is decided against him, he cannot expect the petitioner to wait until he can go five or six hundred miles to procure evidence to sustain his claims. This would be unreasonable, and cannot therefore be granted. All judicial tribunals must have a time when the doors are closed to the admission of further evidence. Without such a rule, a trial could never be had. Litigants would grow grey during the pendency of their lawsuits, and the proceeding would in fact amount to a denial of justice. If the sitting member were dissatisfied with the decision of the committee upon any point, he should have appealed to the House. We have the right to instruct our committees. They are always under our control. A decision made by them, overruling his protest, or refusing him longer time to procure evidence, could have been reviewed here and reversed, if we thought proper to reverse it, the next day after it was made, as well as now.

He made no such appeal, but submitted to the decision; and there is no reason why we should now interpose for his relief. It will not do to say it is a hard case; that injustice will be done by our refusal of time. The same may be said in every case in court where the party wants time granted, but has used no diligence to get ready for trial. Neither will it do to say that the people of the district demand longer time, as some gentlemen have said during the discussion. Who speaks the sentiments of the people? Who is the true representative of the people? That is what we are about to decide. Whilst one party alleges that the people want more time, the other says the people do not want it. We must decide, therefore, according to all the circumstances, without reference to either of these declarations.

We come now to the next point in this controversy, which is the admissibility of the depositions which have arrived here since the decision and report of the committee. To judge from the zeal displayed by gentlemen to bring in these depositions as proof, we might conclude that the whole case turned upon this hinge. Indeed, it seems to be tacitly admitted that, without their reception, taking the case upon the testimony before the committee, there is a majority of the legally qualified votes in favor of the petitioner. If this be so, we should examine and decide the proposition to admit this new proof with the greater care and caution. If its effect were only to swell or diminish the majority of one of the parties over the other, its admission or rejection would be of comparatively little importance.

It has been rightly remarked, that we are acting now as a judicial tribunal, and, as such, must be governed by the rules adopted in those tribunals, for the administration of justice. We are not bound by the inflexible rules of any particular court; nor are we restrained or guided by any law of Congress upon this subject; it is matter of serious regret that there is no law to regulate these contests. Still, no one will deny that we ought to be governed by the general principles observed in all judicial bodies, which secure fairness in the proceedings, and accomplish the ends of justice in the result. The taking of depositions is regulated in all the States, either by positive statute, or by the rules and practice of the courts. One great principle will be found to prevail universally: which is, that no undue advantage is to be gained by either party over the other. In every court, it will be found that the opposite party must either be notified of the time and place of taking the depositions, so that he may be present to cross-examine the witnesses, or else he has time allowed him after they come in, to take testimony to explain, rebut, or discredit the evidence. The experience of succeeding ages has shown the wisdom of these rules, and they ought not to be lightly departed from, even in this enlightened assembly. Depositions, to be legal, must be taken before some person authorized to administer oaths; and, as a general rule, they must be taken on sufficient notice; allowing something like twenty-five miles a day to the adverse party, Sundays excepted, to travel to the place of taking them. In some places he is only required to travel twenty miles per day. These general rules, applied to the depositions before us, will readily determine their admissibility.

They consist of two parcels: the first dated on the 30th day of November, purporting to be taken before L. Fullom and Charles Greer, at Buncombe county; but what part of it is not known.

There was no cross-examination of these witnesses by the petitioner or his counsel; no proof that they were present. To render them admissible, therefore, proof must be adduced that due notice was given, and that the depositions were taken pursuant to the notice, before some person authorized to swear the witnesses. Both these are wanting. There is no certificate or seal of a clerk of the court, to show that the persons before whom the examinations took place were justices of the peace. Without this, the testimony could not be admitted in any court, in another State or district. This is a fatal objection. The depositions do not show, upon their face, where they were taken, except that it was in Buncombe county. This is also a fatal objection. Such papers could not be admitted as proof any where, in a well-ordered community. In fact, they are not only no depositions, but they are not even affidavits; and yet we are urged to hear them, for the purpose of depriving an individual of one of his dearest privileges, and of excluding from this House a man said to be elected by the people as their representative.

How is it with the second parcel of depositions? They purport to have been taken in February last, during the progress of this investigation, and after the committee had decided against giving the parties longer time to take depositions.

These depositions are inadmissible, because taken *ex parte;* that is to say, without sufficient notice to the adversary. A notice may be given of the intention to take depositions; yet, if it do not allow a reasonable time to go to the place of taking them, or if it be given under circumstances which excuse the opposite party from attending, the depositions cannot be used as evidence. There is no better rule can be adopted than that which a man has himself prescribed in relation to others. The sitting member has laid down a rule on the subject of admissibility of evidence, in his protest, to which I will

refer for the purpose of showing what he considers *ex parte* depositions. It may be found on pages 21 and 22 of the report of the committee, and is as follows: "I object particularly to all the depositions taken by the petitioner at Morgantown, Burke county, North Carolina, because: 1st. They were taken *ex parte*; 2d. They were taken within a few days before the meeting of Congress, and after I was obliged to leave home to attend to my public duties." Such is his view of the question. By reference to page 18 of the same document, it will be seen that the minority of the committee agree with him in opinion. Speaking of the depositions taken at Morgantown, they say: "A reference to the testimony will show that the sitting member was not present, either in person or by counsel; or, in other words, that the depositions are *ex parte*. The sitting member acknowledges that notice was served on him, but he alleges that a moral obligation, growing out of the relations in which he stood to his constituents, called him to Washington, distant from his residence five hundred miles; and that the friend on whom he relied, and to whom he had written, to act for him on that occasion, was unavoidably absent. He further alleges that, inasmuch as it was physically impossible for him to have been at Morgantown on the 1st of December, and at Washington on the 7th, points six hundred miles apart, and as paramount duties called him to the latter place, the option of attending either in person or by attorney was virtually denied him; which option, he contends, ought to have been afforded him, in order to stamp the depositions there taken with the character of legal evidence. The consequence of the non-attendance of his agent was, that no cross-examination was had in the cases above referred to; and as the undersigned have no just cause to impute *laches* to the sitting member, in not attending himself, or being represented by counsel, they have come to the conclusion that the depositions thus taken ought to be rejected."

Here, then, is the rule laid down by the sitting member, and by the minority, who advocate his claim to a seat on this floor. Neither he nor they can complain, if his testimony shall be tried by the same rule. It may be replied, that the majority of the committee decided against them, and admitted the depositions taken at Morgantown. No matter; that does not change the case at all. Truth is inflexible. If the rule were good against the petitioner, it is good for him. But, besides this, the minority and the sitting member still adhere to their position. If they have changed their ground, why do they not say so? If they are for equal justice, why not contend for the admission of these depositions in the alternative? Why not say, that if the depositions at Morgantown are admitted, then these ought to be; but if not, then they should be excluded? I have heard no such argument. On the contrary, gentlemen are insisting absolutely upon receiving these depositions, and expressing great astonishment that any one should object to them. But to the rule.

I have already shown that, so far as "moral obligation" was concerned, these persons are upon a perfect equality. If the depositions taken at Morgantown were inadmissible, because the sitting member was obliged to come here and take his seat, then the depositions taken by him at Haywood county, in February last, during the time the petitioner was compelled to stay here, (if he did his duty,) are equally inadmissible. The sitting member insists that he was not bound to regard the notice served upon him to take depositions on the 1st of December, because he had to be here, under a paramount obligation, on the 7th of the same month. By the same principle, the petitioner was not bound to regard the notice served upon him to take depositions at Haywood, in February, when he was compelled, under a paramount obligation, to remain here, prosecuting his claims to the seat which he believes is his right, and to which his antagonist is not properly entitled. Each one presents the proof of his claim; the sitting member a certificate of his election, and the petitioner offers evidence to show that the certificate ought to have been given to him, he having a majority of the votes of the district. The one creates just as strong a "moral obligation" as the other; for from the moment a notice is given that an election is to be contested, a certificate becomes valueless. This House cares not who has the certificate; they inquire who has a majority of the legal votes. Whoever shows this in his favor, is entitled to be the representative. So that the notice was given in this case under circumstances which, according to the reasoning of the minority and the sitting member, excused the petitioner from attendance, and consequently the depositions are *ex parte* and inadmissible.

But the notice was insufficient in other respects. A reasonable time must be allowed the party to travel to the place of taking the depositions. Here the distance is fixed by the sitting member at six hundred miles from this place to the district in which the testimony was taken. What time was allowed to travel it? The notice given was eleven days.

[Here some gentleman remarked that it was seventeen days. A copy of the notice was handed to Mr. H., from which it appeared that depositions were to be taken at various places on different days, commencing at the end of eleven or twelve days, and going on to seventeen or twenty days; and it was remarked that none of these depositions were taken on the days first named.]

Mr. H. continued. For the purposes of his argument, it was perfectly immaterial whether the depositions were taken on the first day named or not. They were all to be taken in the same region; and the party had a right to be present at the taking of them all, first as well as last. As a sufficient time had not been allowed him to travel to the district before the commencement of the examination, he was not bound to go at all. How could he know that the sitting member would not take testimony on the day first named? He was bound to suppose he would take it, because the notice so declared. But even seventeen or twenty days were not sufficient notice. Twenty-five miles a day for seventeen days, not deducting Sundays, would only have taken him four hundred and twenty-five miles. He would still be one hundred miles from the district. The sitting member ought not to have asked a man to travel five or six hundred miles in the dead of winter in twelve days, when he complained of a notice given to him in the district on the 2d day of November, to take depositions on the 1st of December. The testimony was illegal, therefore, and must be rejected for this defect, if there were no other.

But, Mr. H. said, he took a still higher ground with regard to it. The notice was given in open violation of the decision of the committee, that no longer time should be allowed to collect proofs. Gentlemen had contended that the committee did not decide that no more proofs should be taken; they only declared that no more time should be allowed to take it. He said he meant no disrespect to gentlemen, in denouncing this distinction as a mere sophism. When the committee determined that no more time should be given, they determined that the parties should commence the trial—should begin the investigation immediately, with the proofs they had. How could they progress with the trial, and be absent at the same time, taking testimony? Did they mean to allow one party to entrap the other, by sending off runners or agents for testimony, whilst the other rested quietly with what he had, making out his case before the committee? No such thing. The door was closed. No more proof was to be admitted. This is the only reasonable or sensi-

ble construction to be given to the decision. If either party was dissatisfied, an appeal lay to the House, and the committee would have been instructed, either to allow longer time, or to progress with the investigation. The decision was submitted to; and, from that moment, no proof obtained by either party is legitimate.

Various cases have been quoted from the proceedings of courts, to show that this evidence ought to be received. We have been told of a motion to continue a cause on account of an absent witness; the motion overruled, the trial commenced, and the witness unexpectedly appearing; and we are asked, with an air of triumph, whether the court would refuse to hear the witness? I answer, no. Another case is stated of a similar motion for continuance, made on account of the absence of depositions regularly taken, which were to be forwarded by mail, but had not arrived. The motion is overruled, the trial commences, and during its progress the depositions arrive; the inquiry is made again, whether the court would not allow them to be read? My answer is, that in some courts they might be received, and in others not. It would depend upon the rules and practice of the court, and the effect the introduction of the testimony would have, to take the opposite party by surprise, and prevent him from having a fair hearing. In some courts, depositions are required to be filed a certain number of days before the commencement of the term. But my principal answer to both these, and to all the cases I have heard, is, that there is not the slightest analogy between them and the case before the House.

I will put a case which I think is analogous. A motion is made by the defendant for the continuance of a cause, alleging the absence of witnesses, at the distance of one hundred miles, whose testimony is necessary to him in the attainment of justice. The court refuse his application, and the trial commences, which is to last a week. The next evening the defendant serves a notice upon the plaintiff to attend at the residence of the witnesses, two days thereafter, (travelling fifty miles a day,) to hear their examination. Is there a lawyer in this House, or a man of common sense in the country, who would advise the plaintiff to go? Not one. But suppose the defendant, by his agents, were to procure the depositions, and bring them in during the trial, would the court receive them? Is there a lawyer here who would risk his professional reputation by rising and asking the court to receive such testimony? Sir, there is not one. If he would, there is no court in the United States who would listen to him for a moment. Such, in my estimation, is the case now before the House, and the same principles which would reject the one set of depositions would equally reject the other.

What would be the effect of admitting this testimony? It would be ruinous to the petitioner. If the sitting member had intended to entrap him, he could not have devised a surer plan to accomplish his object. I do not charge him with any such design; nor do I intend in any thing I say upon the present occasion to impugn his motives; personally he has my respect. I speak only of the effect of his measures. In the first instance, he refuses to continue the taking of depositions, on account of a moral obligation to come here. When the petitioner has followed him here, he asks leave to go or send back to take more testimony. This is refused; and he then leaps over the moral obligation, the decision of the committee and the distance of six hundred miles, and requires the petitioner to recommence the examination of witnesses. If testimony thus taken can be received, the petitioner will be completely overreached, and subjected to the greatest injustice.

Yet, after all this, we are told that the objections against these depositions are "mere technicalities!" The sitting member and his friends say this, too, when all of us who look at the papers must see that he has been making technical objections from the commencement. He objected to the notice of contest, because it was not specific; it did not set out the names of the witnesses, what they would swear, and the points on which the petitioner would rely in the contest. This no man could do; for it was impossible to know beforehand what the witnesses would prove, or what new facts might leak out during the contest. Again: he objected and protested against receiving the depositions taken at Morgantown, because he had to come to Washington, and could not be there "in person," although an agent might have attended then as well as now. Timely notice was given to him of taking them, and no advantage sought for or obtained by the petitioner. He could not anticipate that the sitting member would not remain in the district to take depositions in December. Indeed, he was bound to believe the contrary, for a notice had been served upon him by the sitting member to attend at Franklin on the 7th of December, to cross-examine witnesses. After such a course, it does not seem kind in him and his friends to talk so much about "technicalities." But I have shown that the defects in this testimony are not formal and technical, they are substantial, and such as no change of mere forms could possibly remove.

Gentlemen ask if we are afraid of light. I answer, no! but let the light shine upon both sides; let it come down direct from above, and not be forced to shine upon one side, whilst the other is left in total darkness. We are asked if we fear justice. No! it is the very thing we seek; but we do not think it attainable by disregarding all the rules heretofore observed in its administration; rules which are founded upon the wisdom and experience of successive generations of men, and implicitly followed in all similar investigations in the judicial tribunals of the country. Again: gentlemen inquire if we do not believe the freemen of North Carolina will speak the truth? I answer, yes! I have no doubt of it. My regard for the freemen of North Carolina is as high as that of any gentleman upon this floor; and I would as soon receive their testimony as the testimony of my own constituents, who, in point of all that constitutes good citizens and good patriots, are equal to any like number of men in the United States. But I do not believe that I ought to violate the constitution or laws of my country to receive any man's testimony. When it has been legally and properly taken, let it be received; when illegally and improperly taken, let it be rejected. This question is to be settled without reference to the character of the witness, whether good or bad, or the State or district in which he may reside. In this sentiment I am sure the freemen of North Carolina will most heartily concur.

There is another question connected with these depositions, which ought not to be overlooked. Some gentlemen are of opinion that, if a majority of the House should reject the testimony, yet those who differ with the majority may read it, and be influenced by it in coming to their conclusions as to the contest between the parties. This is an erroneous opinion. As a judicial body we must decide upon the admissibility of proof when offered; and if it should be excluded, it cannot be heard by any member of the court. Suppose a court of justice to be composed of three judges, and two of them overrule a deposition because it has not been properly taken, can the other judge, when he comes to give an opinion upon the merits of the case, be governed by what was contained in such deposition? Clearly not. It has not been before the court during the discussion. Neither the parties nor their counsel have commented upon or noticed it. The decision is made in reference to what has been before the court. The majority of the judges themselves would decide the case differently, perhaps, if the deposition had been admitted. A ma-

jority must rule as well in deciding preliminaries and incidental points, as in determining the main question; and when testimony is once rejected, it is no longer in court, and cannot be regarded by any member of the court, no matter how much he may be dissatisfied with the decision of the majority. The same principles apply here; and, if a majority should reject these depositions, no member of this court will have a right to consider them in making a final decision between the sitting member and the petitioner.

Mr. Speaker, I had thought of examining the facts of the case, and showing, as I think the truth is, that the petitioner is entitled to a seat, by having a clear and decided majority of the legal votes given at the election. But, as the evidence has all been upon our tables for several weeks, giving each one an opportunity to examine for himself; as the honorable gentleman from North Carolina [Mr. McKay] has gone into it at large, and as I have already detained the House a considerable time, I shall decline doing so. I ought not to close, however, without saying a word or two in reference to the case of Moore and Letcher, so often adverted to in this debate.

Some gentlemen quote it as good authority upon various points, whilst others think it ought not to be regarded as deciding any thing. It has been said that the majority of the committee reported that Mr. Moore was entitled to the seat, and then turned round and voted to send the contest back to the people, because they could not tell who was elected. Now, sir, I was a member of the committee, and one of the majority who made that report. I believed then, as I do now, that upon a fair and impartial investigation of all the facts of the case, and a proper application of the constitution and law to those facts, Thomas P. Moore was duly elected. We reported accordingly. But, after the subject had been discussed in the House for many days; after various decisions of the House—some for and some against the decisions of the committee—after seeing a majority of the House declaring one vote to be good upon certain testimony, and another bad, upon the same state of facts, we voted for the resolution which referred the subject back to the people. What was that resolution? Did it declare that we could not tell who was elected? No, sir; it did no such thing. If it had been so worded as to contain that sentiment, I never would have voted for it; and I believe I am authorized, from conversations held both then and since, to say for my colleagues who were on the committee, that not one of them would have voted for it.

It speaks of what the House can do; not what particular individuals in the House believed. It speaks of the House as a body, and not of individual members. We voted for that resolution, because we believed the House, by its decisions, had thrown the case into such confusion; had crossed its own track, and made such erroneous and contradictory decisions, that it was just as likely to decide the case wrong as right. We believed it better, therefore, to send it directly back to the people at once, and let them do what they pleased with it; and we voted for the resolution under these impressions. So much for that case.

I rose chiefly to discuss three points: the propriety of voting upon separate propositions, the motion to grant the sitting member longer time to take depositions, and the admissibility of the new testimony which has come in since the report of the committee. Having shown, I think conclusively, that we ought not to vote on these separate propositions; that no more time should be given, and that the depositions are wholly inadmissible, I cheerfully give way to other gentlemen who are so anxious to obtain the floor.

Mr. GRAVES said there were party considerations brought into this question, and he had it from good authority that the sitting member was for Judge White's and the petitioner for Mr. Van Buren's pretentions to the presidential chair. He did not question the petitioner's motives, but it was well known that the friends of the gentleman there had the majority, and could take the question at any time. He did not complain of their course this session, but he did hope that the question would not be forced that night. He was not in favor of either of the gentlemen preferred by the sitting member and the petitioner for the next presidency. Between the two, however, he had a decided choice; and he should give his vote on this occasion in favor of the sitting member, because his views on the presidential election were nearer approximated to his own than the predilections of the petitioner. He begged the House, at the same time, to be assured that his vote on the pending question would be a conscientious one.

Mr. WILLIAMS, of North Carolina, here moved an adjournment; and

Mr. VANDERPOEL asked for the yeas and nays; which were ordered.

Mr. MERCER hoped the hour would be noted on the journal.

[It was then four o'clock.]

At the request of Mr. Bynum, Mr. WILLIAMS withdrew his motion to adjourn; and

Mr. BYNUM inquired of the Chair what would be the situation of this question, if they adjourned without taking it that night; and if it would not give place to all the other business on the Speaker's table.

The CHAIR replied that that would be the case.

Mr. WILLIAMS, of Kentucky, then moved to suspend the rules for the purpose of proceeding with the consideration of the report of the Committee of Elections, giving it the preference, from day to day, over all other business, until it was disposed of.

Mr. BRIGGS asked for the yeas and nays; which were not ordered; and the motion to suspend, taken by tellers, was negatived: Yeas 92, nays 77—not two thirds in the affirmative.

Mr. MERCER then renewed the same motion, and asked the yeas and nays thereon.

Mr. UNDERWOOD moved an adjournment, remarking that the motion could as well be made on Monday as then.

Mr. VANDERPOEL asked for the yeas and nays; which were ordered; and the motion to adjourn was negatived: Yeas 83, nays 110.

Mr. MERCER then moved a suspension of the rules for the purpose of enabling him to offer a resolution giving this subject the preference over all other business on Monday and Tuesday next, unless sooner disposed of; and on that motion Mr. M. asked for the yeas and nays; which were ordered.

This question was also decided in the negative: Yeas 96, nays 92—not two thirds voting in the affirmative.

Mr. GRAVES being then entitled to the floor—

Mr. HOPKINS asked the gentleman to yield it for a moment, while he made a motion which he thought would meet the approbation of all sides of the House. If the gentleman would give way for a moment, Mr. H. would move a suspension of the rules for the purpose of submitting a proposition, which he hoped it would be the pleasure of the House to adopt. It was as follows:

Resolved, That the contested election from the 12th congressional district in the State of North Carolina be made the order of the day for Monday next, to the exclusion of all other business for that day, for the especial purpose of affording to the sitting member and petitioner a further opportunity of submitting to this House such remarks, in relation to the said contested election, as they or either of them may think proper.

Mr. GRAVES refused to yield the floor for the purpose indicated, and replied, that from the manifest indisposition of the House to adjourn, he wished to conclude the very few remarks he had to make, and the gentleman might then make his motion. Mr. G. then proceeded to address the House, and expressed a hope that party considerations would not be brought to bear upon it, but that it would be decided according to the principles of right and justice. He appealed to the majority of the House, after suffering some weeks to be spent on the preliminary question, to allow this discussion to go on at least two or three days longer. Mr. G. was proceeding to reply to Mr. McKAY, when he gave way to

Mr. CHAMBERS, of Kentucky, who moved a call of the House; which was ordered: Yeas 74, nays 67.

Mr. WILLIAMS, of North Carolina, moved an adjournment; and

Mr. LANE asked for the yeas and nays; which were ordered; whereupon,

Mr. WILLIAMS withdrew his motion.

The call of the House was then proceeded in for some time; when, on motion of

Mr. HAWES, its further proceedings were dispensed with—taken by tellers: Yeas 92, nays 62.

Mr. GRAVES then resumed, and proceeded to reply to Messrs. McKAY and HAMER, and in opposition to the report of the Committee of Elections; and after proceeding a short time, he again gave way to

Mr. CALHOON, of Kentucky, who moved an adjournment; and

Mr. HAWES asked for the yeas and nays; which were ordered; and the question being taken, the House again refused to adjourn: Yeas 79, nays 103.

Mr. MASON, of Virginia, then moved a suspension of the rules for the purpose of offering a resolution to make this subject the special order of the day for Monday next, from and after 12 o'clock on that day. Mr. M. briefly explained that he had been given to understand that the sitting member wished to address the House, but that he was then indisposed. [Mr. GRAHAM was in his seat on the floor.]

The motion to suspend the rules was not agreed to: Ayes 86, noes 85—not two thirds in the affirmative.

Mr. GRAVES resumed his remarks, and, after proceeding some time, again gave way to

Mr. HARD, who moved an adjournment; and

Mr. HAWKINS asked for the yeas and nays; which were ordered; and the House again refused to adjourn: Yeas 74, nays 101.

Mr. GRAVES then resumed, and addressed the House till twenty minutes after eight o'clock, when he again gave way to

Mr. CALHOON, of Kentucky, who moved an adjournment.

Mr. VANDERPOEL asked for the yeas and nays; which being ordered,

Mr. CALHOON withdrew the motion to adjourn.

Mr. GARLAND, of Virginia, moved a suspension of the rules for the purpose of enabling him to move that this subject be made the special order for Monday next. He remarked that he made this motion to accommodate the sitting member, who was then indisposed, as he was informed, and wished to address the House.

[Mr. GRAHAM was still in his seat at the time the motion was submitted.]

Mr. PEYTON wished the gentleman so to modify his motion as to permit the sitting member and the petitioner only to address the House on Monday; and that, as soon as they had concluded, the question should be taken on each proposition separately.

Mr. GARLAND replied, that he would merely make the motion to suspend; and if permitted by the House to submit his resolution, the gentleman might then move his amendment.

Mr. PEYTON asked for the yeas and nays, on the motion; which were ordered.

The motion to suspend was then negatived: Yeas 91, nays 95.

Mr. CALHOON, of Kentucky, then renewed the motion that the House adjourn, and asked for the yeas and nays; which were ordered; but the House again refused to adjourn: Yeas 81, nays 105; and

Mr. GRAVES continued his remarks for a few moments, chiefly in reply to Mr. ANTHONY, and then sent a document to the Clerk's table to be read. The document in question was some election case in Maine.

Mr. CAMBRELENG objected to the reading; and

Mr. GRAVES moved for the reading, and asked for the yeas and nays; which were ordered; and the motion was agreed to: Yeas 106, nays 76.

Mr. ANTHONY raised a question of order, whether the gentleman could read, or cause to be read, such a document as this, in refutation of an argument of Mr. A's yesterday, on the main question before the House. The document was a case from Maine, and did not apply to his argument in reference to the course pursued in Pennsylvania.

The CHAIR said the gentleman had sent a book to the Clerk's table, containing a report, which he desired to have read, or in part, and the House had determined by its vote that it should be read, and the Clerk would read it under that order.

The Clerk accordingly read an extract from the case.

Mr. GRAVES then resumed, and was proceeding to comment, with some severity, on the conduct of those gentlemen who had voted against the motion he had made, when he was called to order by several members, and the Chair pronounced him to be out of order.

Mr. G. then proceeded, and again recurred to the arguments of Messrs. HAMER and VANDERPOEL, &c.; but very little of what he said could be heard. At the end of about half an hour, he again gave way to

Mr. JOHNSON, of Louisiana, who moved an adjournment; and

Mr. GILLET asked for the yeas and nays; which were ordered; and the motion was rejected: Yeas 82, nays 107. So the House again refused to adjourn; and

Mr. GRAVES again proceeded, and read various extracts from the printed depositions in the report of the Committee of Elections. At 11 o'clock Mr. G. gave way, apparently without concluding, to Mr. CALHOON of Kentucky, who commenced addressing the Chair. The speech of Mr. GRAVES, and the various motions to adjourn, taken by yeas and nays, had occupied the House upwards of seven hours, Mr. G. having commenced at half past 3 o'clock.

Mr. CALHOON, of Kentucky, who was in possession of the floor, after a few remarks, gave way to

Mr. WISE, who remarked, that as the gentleman was a young member, he would move an adjournment.

Mr. PEYTON asked for the yeas and nays; which were ordered; and, upon taking the question, there were: Yeas 80, nays 107. So the House refused to adjourn.

Mr. CUSHMAN rose and addressed the Chair, for the purpose, he said, of demanding the previous question.

The CHAIR decided the gentleman from Kentucky [Mr. CALHOON] to be entitled to the floor.

Mr. CUSHMAN remarked that the gentleman from Kentucky had spoken, and given way to another gentleman.

The CHAIR said, that to give the gentleman from Kentucky the floor, under the circumstances, was in conformity with the courtesy and practices of the House; and he therefore reiterated his decision in favor of that gentleman.

Mr. CUSHMAN said he would not press the point, and withdrew his motion.

Mr. CALHOON then, at about half past 11 P. M., proceeded to address the House. He said he could have no party predilections in this case, for he was equally opposed to the politics of both gentlemen, as he was equally opposed to Judge White and Mr. Van Buren. He then went into an examination and review of the proceedings in the committee, and the details of their report, and, though believing that the sitting member had a clear and decided majority, he preferred sending the election back to the people, so as to place it out of the reach of president-makers and party influences. Mr. C. spoke until within a few minutes of 12 o'clock, when

Mr. LAWLER raised a point of order, that it was not lawful to continue the sessions of the House after 12 o'clock on Saturday night, so as to break in upon the Sabbath.

The CHAIR replied that this question had once before been raised within his recollection, and decided. At the 1st session of the 19th Congress, the question was raised at 12 o'clock on the last night of the session, which was on a Saturday; and it was within the memory of the Chair, as well as of other members present, that the then Speaker decided that, as a question of order, there was no difficulty about it; that during the war Congress had, in fact, sat all day, or through all the day, on the Sabbath, and passed a large number of important bills. The Chair, however, upon the present occasion, would not undertake to say whether it was in order or not for this discussion to continue, and would leave it for the House to determine.

Mr. LAWLER then took an appeal from what he understood to be the decision of the Chair, and asked the reading of the resolution fixing the hour of meeting at 11 o'clock each day. Mr. L. argued the point for some ten or fifteen minutes, that 12 o'clock having elapsed, it was then the Sabbath; and being a *dies non* for legislation, further discussion ought to be arrested at that time.

The point was debated for some time between Messrs. LAWLER, UNDERWOOD, PEYTON, and ADAMS, the last gentleman concluding by a motion to adjourn.

Mr. WISE then raised another point of order: that as the gentleman from Kentucky [Mr. CALHOON] was in possession of the floor, when he was arrested by the other point of order, no motion could be made to adjourn until that gentleman yielded the floor.

The CHAIR overruled the last point, on the ground that a question of order always interposed, if made, in the discussion of every question; and that the motion to adjourn was always in order.

Mr. REED then asked for the yeas and nays on the motion to adjourn; which were ordered.

Mr. UNDERWOOD hoped the hour would be recorded on the journal; and he moved an amendment to the motion to that effect.

The CHAIR remarked that a motion to adjourn was not susceptible of amendment, but he supposed there would be no objection to the time of night being entered on the journal; and he would direct the Clerk to note it.

Mr. MASON, of Virginia, appealed to Mr. ADAMS to withdraw his motion, to enable Mr. M. to renew the motion he had before attempted to make to proceed with this subject on Monday next.

Mr. ADAMS refused; and the question being taken, the House rejected the motion to adjourn: Yeas 83, nays 95.

The question then recurring upon Mr. LAWLER's appeal from the decision of the Chair,

Mr. HAWES moved to lay it on the table.

Mr. CALHOUN, of Massachusetts, asked for the yeas and nays; which were ordered.

Mr. LAWLER then withdrew his appeal; consequently, the motion of Mr. HAWES fell; and then

Mr. L. renewed his appeal; but the Chair decided that now the gentleman from Kentucky [Mr. CALHOON] was entitled to the floor on the previous subject.

Mr. ADAMS appealed from that decision, and

Mr. HAWES moved to lay that appeal on the table.

The CHAIR having stated the grounds of his decision, and Mr. ADAMS having withdrawn his appeal,

Mr. LAWLER renewed his original appeal against the power of the House to continue its sitting after 12 o'clock on Saturday night, and argued the point for some ten or fifteen minutes.

Mr. HAWES demanded the previous question on the appeal; and

Mr. ADAMS made a few remarks against the right of the House, or of the majority, under the circumstances, to continue in business at that hour.

Mr. EVANS then moved an adjournment; and

Mr. PEYTON called for the yeas and nays; which were ordered, (it was then one o'clock A. M.;) and the House again refused to adjourn: Yeas 80, nays 95.

The question then recurred on seconding the motion for the previous question on the appeal, which was taken by tellers; and ninety-six gentlemen being counted off in the affirmative, a wish was expressed from several quarters of the House that the noes be not counted;

Mr. ADAMS rose and said he hoped they would be counted, and it would then be seen if a quorum would vote.

Accordingly, only nineteen gentlemen then passed between the tellers, making yeas 96, nays 19; no quorum.

Mr. ADAMS, who had not voted, rose and said he denied the right of this House to compel him to vote on the Sabbath day.

Mr. HAWES moved that the gentleman from Massachusetts be excused from voting.

Mr. ADAMS. I do not ask to be excused.

Mr. LAWLER then moved an adjournment.

Mr. BOYD asked for the yeas and nays; which were ordered.

The question was then taken, (but, in consequence of what took place, the vote was not announced till long afterwards,) and the motion was again rejected by the House: Yeas 54, nays 95.

On calling over the roll, Mr. ADAMS had refused to answer to his name; and

Mr. WISE rose and moved that the rules of the House be enforced, and that the member from Massachusetts be thereupon compelled to vote.

After some conversation between the CHAIR, Mr. HAMER, and Mr. WISE, on the point,

Mr. BEARDSLEY remarked that, understanding the gentleman from Massachusetts had conscientious scruples about voting at that time, he moved that the gentleman be excused by the House.

Mr. ADAMS said he did not desire to be excused, nor did he refuse to vote upon the ground assumed by the gentleman from New York. He had no conscientious scruples on the subject; for, if the public business demanded, he would sit there throughout and till midnight of the Sabbath; but he held that the House had no right to sit there at that hour, without first passing an express order, setting forth that the public business demanded it, or could not be dispensed with.

Mr. PEYTON then addressed the House for about half an hour, commenting with great severity upon the motion of the gentleman from New York, and the inconsistency of his course in being there then after midnight, and his refusal to vote after that hour, on the last night of the last session of Congress. Mr. P. was several times called to order, both by the Chair and by the House. He spoke till a few minutes after 2 o'clock.

Mr. BEARDSLEY said that, as he perceived he had misapprehended the member from Massachusetts, and as the gentleman did not refuse to vote upon conscientious scruples, he withdrew his motion in relation thereto; whereupon,

Mr. MERCER moved that the member from Massachusetts be not required to vote.

Mr. BYNUM then rose, and, after a few remarks, renewed the motion to make the subject of the contested election the special order of the day, in preference to all other business, on Monday and Tuesday next.

Mr. WISE. I object to that motion, sir: I wish the motion pending before the House to be decided before any other.

Mr. MERCER then withdrew his motion, for the purpose of submitting the latter motion; whereupon,

Mr. WISE moved that the gentleman from Massachusetts be required (subsequently modified by him "compelled") to vote, and addressed the House at some length in reply to Mr. BYNUM. In the course of his remarks he was called to order by the latter gentleman, and an altercation of an angry and painfully personal character ensued, which was arrested by the House.

Mr. MERCER interposed; and, after a few remarks and suggestions by Messrs. MERCER, PEYTON, THOMAS, R. M. JOHNSON, ADAMS, ALLAN of Kentucky, LAWLER, THOMPSON of South Carolina, and HOWARD, both the gentlemen explained, and made their acknowledgments to the House, which had unanimously required that the controversy should there end.

Mr. LAWLER then withdrew his appeal; and

Mr. DAVIS asked leave to move that the subject of the contested election for North Carolina be made the special order of the day, in preference to all other business, from and after one o'clock on Monday, and twelve o'clock on Tuesday, unless sooner disposed of; which motion, by general consent, was put and agreed to.

On motion of Mr. BRIGGS,

The House then adjourned, at half past 4 o'clock A. M.

MONDAY, MARCH 28.

PUBLIC LANDS.

The resolutions of the Legislature of Kentucky, with the motion to commit them, with instructions to report a bill, to the Committee of Ways and Means; and the motion to amend, by substituting the Committee on Public Lands, being the first business in order, were taken up.

Mr. C. ALLAN, of Kentucky, called for the reading of the instructions; after which he continued and concluded the course of remarks which he began on Monday last, as given entire in preceding pages. When Mr. ALLAN had taken his seat,

Mr. HAWES rose, and addressed the House as follows:

Mr. Speaker: When I offered the resolutions now under consideration, a few days since, I moved that they be printed and laid on the tables of the members of this House, with a view to call them up, and have them referred to the same committee to which the bill from the Senate on the same subject might be sent, in the event that it should pass that body. It has been the usual course, in relation to matters of this kind, to have them printed and laid on the table, until the subject is brought forward for action in the House. My colleague has thought proper to bring them under discussion at the present time; and, having no objection to that course, I shall proceed to their consideration, at the same time that I shall feel it an imperative duty to answer my colleagues who have preceded me, in relation to this and other matters.

The Representatives on this floor have been requested, and the Senators in the other body instructed, by a majority of the Legislature of Kentucky, to vote for a bill distributing the proceeds of the public lands among the States; or, in other words, to vote for Mr. Clay's land bill. This is not the only time since I have had the honor of a seat in this House, that the Legislature conceived it to be their duty to instruct their Senators to do an act which they knew would be done without such instructions, and request the Representatives to do that which they knew a part of them had already determined to perform, and another portion had determined not to do. I remember, a time long since past, when the Legislature, by an almost unanimous vote, requested her Representatives to give their votes to the present illustrious Chief Magistrate of this Union. The then members of Congress were requested to vote for an individual as President who had received more of the people's votes than all the other candidates put together; and I ask my colleague, [Mr. ALLAN,] who has expressed such satisfaction at the present request, what was the course of Mr. Clay and those who acted with him on that ever memorable occasion? They proclaimed that the Legislature had no guardianship over the members of the lower House of Congress; that they appealed to the people of the congressional districts from which they came; and upon their decision, and theirs alone, would they rely for a justification of their conduct. I ask, if these were not the views of the then members of Congress? Mr. Speaker, I cannot, I will not, vote for Mr. Clay's land bill, except upon one condition, to wit: that a majority of my constituents, those who reposed their confidence in me, and for whose opinions I shall ever entertain the highest respect, shall instruct me so to do. In that event, which I am conscious will never happen, for I have a firm reliance on their judgment, discretion, and love of country, I shall either comply with their request, or resign my seat here. I am the Representative of the people of the second congressional district, and not of the Legislature.

I have on one occasion, (if not more,) since I have been a member here, been forced, from considerations of public policy and duty, to act contrary to the request of the Legislature. There was a time, and that not long past, when that body thought it to be their especial duty to request the Representatives from Kentucky to prostrate the rights and liberties of their constituents, and of the people of the other States of this confederacy, and bow in humble submission to the Bank of the United States, and its foreign stockholders, consisting of earls, dukes, marquises, barons, lords, esquires, &c., &c., by restoring the deposites to its vaults, which had been removed by the Secretary of the Treasury. Yes, the Assembly of that State, which the gentleman from Kentucky had said (and it was true) had done so much for the defence of the country during the late war, had acted in this manner, and I then disobeyed their request, and asserted the rights and supremacy of the people over the bank and all other such monopolies. When I see the Legislature pass a solemn resolution, which I believe for the good and welfare of the people whom I represent, it will at all times give me great pleasure to act in unison with their opinion. But when, on the contrary, I see them, influenced by party considerations, act contrary to the interests of the people of the State and the Union, it gives me equal pleasure to declare in my place that I will not comply with the resolution of the majority of the Legislature. That majority knew full well, before passing the resolutions, that the Senators would support the bill; for one of them had introduced the proposition, and the other was known to be favorable to it. That majority knew that every opposition man in Congress from the State of Kentucky would vote for the land bill, as surely as the sun would rise on to-mor-

row, and that all who agreed with me in opinion would as certainly vote against it; yet, with these facts before their eyes, they had consumed their time in doing that which could not possibly be of any benefit to their constituents. Sir, party considerations were at the bottom of this movement; and, before I close, I shall make some allusion to them.

Mr. Speaker, I have ever held to the doctrine that the Legislature of any State had a right to instruct their Senators to vote accordingly with the opinions of such Legislature, and that they were bound either to obey that will or resign their places; and I conceive that he who violates this first principle of our Government, and thus rudely removes the very foundations of our free institutions, is recreant to the trust reposed in him, and ought never again to be trusted by the people, unless after a long and sincere repentance, and a firm determination to practise a different course. But it is different with a Representative. They are the agents of the people of the several congressional districts, responsible to them, and occupying towards them the same relative position as the Senators to the Legislature. There are, perhaps, not more than four of the Representatives from Kentucky who will act with me in opposition to Mr. Clay's land bill; and there are, perhaps, nine who will pursue a different course. We are all responsible to our constituents; and I may be permitted to add an opinion, that the four, though fewest in number, are with the true interests of the people of the State and Union, while the nine (though equally conscientious) are on this occasion unintentionally against that interest.

My colleague, [Mr. Hardin,] in the course of his remarks on another subject, has used the following language: "Is there any scene in this world so ridiculous as to see Van Buren's friends place him before the people as the war party candidate, and denounce Harrison and his friends as pusillanimous, cowardly, and ready to betray their country?" The friends of Mr. Van Buren never did hold him up as the war party candidate. They do hold him up as the choice for the next presidency of that party who were determined to vindicate the insulted honor of the nation. They do consider that he is one of that party who would not permit any foreign nation, harmlessly, and at will, to violate a solemn treaty, executed with all due formality, and faithfully performed on our part: one of a party who, when a foreign potentate wished to wring an apology from our Chief Magistrate for doing his duty to his country, would not, at any cost, permit the stain to rest on our escutcheon: one who could not patiently submit to the shameful scene of a monarch of Europe directing and commanding the President of these United States what he should, and what he should not, say to Congress in his annual messages: one of a party who were willing to meet foreign preparation for war against their native country with a corresponding force on our part: one of that party which would not, for the sake of a few dollars and cents, leave our frontiers exposed to foreign invasion, when, from time to time, warned that a powerful armament had been ordered to rendezvous in our neighborhood and off our coast, with no ostensible object, save to coerce a compliance with their demands on the Executive. If these objects make a man a war party candidate, I hope I shall ever be found supporting one of that character. My colleague, [Mr. Allan,] who has addressed the House on this subject, has said that he had always voted for appropriations when recommended for the naval service. I have the journal now open before me, and from it I find that when the cloud of war hung darkest in our horizon, when no one here could say at what hour war would be declared against France, or by the French Government against this country; when the countenances of all were solemn at what they thought the lowering and approaching contest; when every breeze from the east bore tidings of immense preparations on the part of France; when it was loudly and constantly proclaimed by the French ministry that nothing but a direct apology from the President would be received for a supposed insult offered to that Government; on the 11th day of January, the chairman of the Committee on Naval Affairs offered the following resolution, to wit: "*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of increasing the naval force in commission." Here, then, is a proposition from the head of a committee of this House, proposing merely to inquire into the expediency of increasing the naval force in commission; and what was the vote of my colleague in relation to it? Why, sir, he is found in a small minority of 19 against the mere inquiry, when there are 164, composed of men of all political castes, who are in favor of the proposition. If the gentleman calls this a willingness to vote appropriations when called for, I am unable to comprehend his meaning. What justification he may find for his course under the above circumstances, I know not; but, for myself, I shall ever be found ready to vote appropriations for repelling the invasions, or even probable invasions, of our beloved country by any foreign nation whatsoever. I shall not attempt to follow the gentleman through all his remarks, but will say, that they are much after the order of the attacks which have been made on the administration for the last six years, both on this floor and by the opposition presses throughout the Union, which have been refuted on many occasions; and what is more, they stand condemned by the voluntary suffrages of nearly two thirds of the people of this nation.

My colleague [Mr. Hardin] again holds this language: "Harrison, who spent his youth, his manhood, and the prime of his life, in camps and battles, in fire and smoke, contending in his country's cause. Many a bloody field can attest Harrison's achievements, and emblazon his fame and glory abroad. Kentucky has won laurels with him and under him. He always did her brave sons justice in the field, and justice in his reports to the War Department. In this approaching election the world will bear witness that Kentucky, amongst her other great virtues, boasts the proud one of gratitude."

Here, Mr. Speaker, are the grounds upon which General Harrison is to be brought before the people of Kentucky for the next presidency; and these are the only reasons urged why the people of that high-minded and patriotic State should support him. Not that he is qualified, from his education and habits, for that high and responsible station; not that he is capable, or has rendered civil services to the nation; not that his opinions or interests are identified with those of the people of Kentucky, but that he has been a warrior; that he has spent his youth and his manhood, the prime of his life, in camps and battles, in fire and smoke, combating in his country's cause. Now, suppose this last prop is taken from him; suppose, after following him through his whole military career, doing complete justice to his warrior deeds, surrounding his brow with every wreath of glory which justly belongs to him; I say, suppose, after doing him complete justice in every thing, we should find that he did not spend his manhood amidst fire and smoke, what claim could he then have to the votes of our patriotic citizens? I shall not, on the present occasion, make an allusion to the personal bravery of this high personage; he may be, and no doubt is, a brave man; and, consequently, I shall say nothing on that head. The history of his military career is the history of the country; it is public property, and as such I shall use it, more especially as my colleague has attempted to convert it to his benefit. Let us then, in the spirit of candor and of justice, follow him through all his campaigns,

and see whether he can lay a just claim to our suffrages on that score, unaided by any one recommendation beside; for even his friends claim nothing more for him. First, let us see him on the plains of Tippecanoe, which was his best field; and, if not made President for that, he certainly can be for none other. He commanded on that occasion as brave men as ever marched to a field of battle; men who would do honor to any army or any country. The commander, however, according to what was reported at the time, as I have been informed, trusting to his enemies, and those the untamed and untameable savages of the forest, encamped on ground which was pointed out by them, and thus unnecessarily exposed his army to their merciless vengeance. The ground might have been (for aught I know) suitable for an encampment; it probably was, but for the circumstance that the enemy proposed it, which of itself was sufficient to have warned a commanding general against it. On that occasion Kentucky lost many of her brave sons; and Joseph Daviess is still fresh in the memory of his countrymen. Sir, Kentucky has not yet ceased to mourn his loss. He left family, friends, and home, for that fatal field; and, when there, his gallant impetuosity led him to the thickest of the fight; and the lines of the immortal Byron are truly applicable, when he says, in relation to another,

"He rushed into the field, and foremost, fighting, fell."

Again: at Sandusky and the defence of Fort Stevenson, where was General Harrison? He was at the head of an effective and brave army, and left the little devoted band of one hundred and fifty men, commanded by the gallant Croghan and his noble associates, surrounded by an enemy, to defend themselves as best they might against vast odds. But hear what Mr. Duncan, present Governor of Illinois, says in relation to it. He was present; he was one of the officers of the fort on that memorable occasion; he is a friend of General Harrison; he is opposed to Mr. Van Buren for the presidency; and yet, what does he say say in relation to that affair? It is unnecessary to recapitulate the whole letter of Governor Duncan, and I shall only take such parts as relate more particularly to the matter now under consideration: "About this time General Harrison received information that the enemy had raised the siege of Fort Meigs, and had started in the direction of Sandusky and Camp Stevenson. Receiving this intelligence, he determined to retreat from his position, and immediately sent an express to Fort Stevenson, which arrived about sunrise, ordering Major Croghan to burn the fort, with the ammunition and stores, and retreat without delay to headquarters, giving some precautionary instructions about the route," &c.

Here it is asserted, by authority which cannot be denied, that Croghan was ordered to retreat, to burn his ammunition and stores; and this, too, by his commanding general, my colleague's redoubtable warrior candidate for the presidency. What, let me ask, was the conduct of Croghan and his brave associates? Why, sir, they took the vote in true republican style, and determined to defend the place at all hazards. They did defend it; and the trainbands of British warriors, with their savage allies, thirsting for the blood of our brave countrymen, were driven back with a slaughter which will ever stand as one of the brightest pages in our history, and an everlasting stigma on the name of him who bade them desert their post and destroy their stores and ammunition. Sir, according to this same letter, "this great hero, this man who had spent his youth and his manhood in fire and smoke, and who is now attempted to be made President for his noble deeds," had piled up his ammunition and stores, and was ready to set fire to them, as soon as Croghan should reach Seneca; and it cannot be doubted that, if he had arrived according to orders, General Harrison would have retreated instantly, leaving the whole frontier, our fleet at Erie, and the boats and stores at Cleveland, (the destruction of which was the object of the invasion and movement down the lake,) at the mercy of the enemy; leaving five hundred miles of frontier undefended, and our whole fleet and millions of the public property exposed to inevitable destruction. But again, let me ask, what was the conduct of this great general, when this little band of patriots were contending against fifteen times their number, though badly provided with ammunition, and protected only by a log fort? Gov. Duncan says that, in relation to Croghan, during the siege, and when the firing could be heard in camp, General Harrison said: "The blood be on his own head; I wash my hands of it," not doubting for a moment that the garrison would be cut off. Mr. Speaker, it is but fair and just, if the American blood, which was expected to be spilt on that day, should rest on the head of Croghan, that he should be permitted to have the glory of the achievement and the victory; and if the general washed his hands of all participation in the deeds of that day, that not only himself, but his friend, should likewise wash his hands of any participation in the glory of the deed. But what do we hear on this floor and elsewhere? That, for his great military achievements, the people of Kentucky are to give him their suffrages for the highest office in the gift of the people.

I come now to the fatal field of Raisin; that field which has been fattened with the best blood of my adopted State; that field which was covered with the best blood of Kentucky's noblest and choicest spirits. Where was General Harrison then? He was not far distant; and why, let me ask my colleague, was he not in the fire and smoke which enveloped the manly forms of those who had gallantly marched in defence of the country? Sir, I remember to have heard it said, but I do not vouch for it, that when the news of that fatal day was received by express at the seat of our State Government, the Legislature was in session, and there was scarcely a being in that spacious establishment but had lost some near and dear relative or friend. Kentucky was in mourning from one extremity to the other; for the blood that flowed on that memorable occasion came from the veins of the flower of Kentucky's chivalry. Years and years after, their bones still bleached on that fatal field of slaughter, and stood as a lasting monument of the ill-starred and unfortunate conduct of the commander-in-chief. Was he in fire and smoke on that occasion? No, he was not; and the spirits of the brave, of our Allen, our Hart, our Simmes, and the many others who bravely perished, unaided and unsupported by their leader, will rise up and proclaim to the people that General Harrison was not amidst the fire and smoke which enveloped their manly forms on that trying and heart-sickening day. Sir, what does Governor Madison say in relation to the conduct of this hero on that occasion? He says: "Our camp police was not, perhaps what it ought to have been. But I am not here the accuser or excuser of any one, though thoroughly convinced that the principal error of the campaign, and that which brought all other evils upon us, was the great distance at which the other parts of the army were kept. Had the disposition been different, had the main body been located within sustaining distance of the advanced corps, or had this corps been reenforced by even a single battalion of five hundred men, ours would have been a victory instead of a defeat." Again, General Lewis says: "Had the general force been five hundred greater than it was, he would not have experienced a defeat."

Sir, will this testimony be denied, the testimony of a Governor of Kentucky, who was a principal actor on the occasion, and who, from the misfortunes of the day,

became the commander of those unfortunate troops? My colleague's hero, instead of being in fire and smoke, was not even in sustaining distance, and our brave men perished, and our glorious flag was trampled under foot by the enemy, for the want of being sustained, and because the commander-in-chief did not send five hundred men to their assistance.

I come now to the battle of the Thames, and I ask my colleague [Mr. HARDIN] who was the hero of that day? There is one now in this hall, and a member of this House, and who may be recognised afar off, by the effects of the honorable wounds received on that day, [Colonel JOHNSON;] one who has served his country for a long course of years, both in civil and military occupations; who was indeed amidst fire and smoke, and blood, and death, and destruction, and whose animating voice was heard above the din, the turmoil, the struggle, and the roar of the battle, encouraging the brave spirits who surrounded him to glory and to victory; one who completed the defeat of the enemy by slaying with his own hand their chief, the celebrated Tecumseh; for it was then, and not till then, that they raised the shout and yell of dismay, which was answered by the victorious war-cry of Kentucky; and yet my colleague leaves him, who is also before the people for their suffrages, and takes up another, who was not in the midst of the battle and of danger, and recommends him, for his military deeds alone. Sir, I do not wish to do injustice to General Harrison. If I know my own heart, I would not tear one laurel from his brow; I would rather add to their number, than rudely tear them asunder. What I have said is matter of history, and therefore public property; and I should not, on this occasion, have made an allusion to the late war, had not my colleague, on a former occasion, brought it under consideration, and urged it to Kentuckians, as a reason for discarding the republican candidates for the presidency and vice presidency, and supporting General Harrison.

Again: my colleague says that General Harrison always did Kentucky justice in his reports to the Department of War. It is true, he frequently spoke well of the Kentuckians, and sometimes made insinuations against them and the whole Western country, and particularly charged the militia of Ohio, as not to be depended on. But I will not, in relation to this matter, trust to memory, but use his own words, which may be found in his report to the War Department, written from Chillicothe, and dated March 17, 1813, page 141. He says: "Amongst the reasons which make it necessary to employ a large force, I am sorry to mention the dismay and disinclination to the service which appear to prevail in the Western country." This, Mr. Speaker, I contend is doing a crying injustice to the people of Kentucky, as well as the balance of the West. At what time, let me ask, did dismay and disinclination to the service pervade the West? Search the annals of your country, and when did men ever march more willingly at every summons? They poured forth their blood like water; they left their fire-sides and their homes, their wives and children, every thing which was near and dear to them; and while they are doing all this, suffering hardships and privations almost past the endurance of man, the commanding general writes from his head-quarters at Chillicothe, that dismay and disinclination to the service prevail in the Western country; and yet this same West is called on to support him for the presidency. Never; no, never.

Again, in the same letter, after speaking of the militia who were with him the preceding winter, as brave men and much to be depended on, he resumes: "The new draughts from this State are entirely of another character, and are not to be depended upon." People of Ohio, do you see this; and from whom does it come? From a stranger? No. From one unacquainted with you as a people? No. From a citizen of another State? No. But from your own leader during the war; from a citizen of your own territory. Had you a right to expect this? You had not, for you had marched at his summons to the standard of your country. I ask you, are or are not the people of Ohio to be depended upon in the day of trial and of danger? General Harrison says not, but I say they are, and the world will with one accord agree with me in pronouncing it a slander on you character as a people. And yet you are called on to support this man for President, and yield up your republican opinions for his sake. Will you subscribe to this? If you do, the world will proclaim in a voice of thunder, and in the language of Harrison, that you are not to be depended upon.

And now, sir, in relation to Kentucky, he says: "I have no doubt, however, but a sufficient number of good men can be procured; and should they be permitted to serve on horseback, Kentucky would furnish some regiments," &c. Here, Mr. Speaker, after saying that the new draughts of Ohio are not to be depended upon; that if allowed to serve on horseback, Kentucky would furnish, &c., I ask you if this is not likewise a slander on the State in which I reside? 'Tis true he did justice to those who fought at Raisin; he could not avoid it, for such men are difficult to obtain in any country. But when he says that, if allowed to fight on horseback, is it not tantamount to an assertion that on foot they would not make good soldiers? I assert it, and many a glorious field will bear witness, that Kentuckians, whether on foot or on horseback, are not inferior to any in this wide extended Union, the innuendo of General Harrison to the contrary notwithstanding. It has been said that we are divided into three parts, to wit: alligator, horse, and snapping-turtle; and my colleague's hero and candidate for the presidency should have recollected, that when the horse was removed, there still remained the alligator and snapping-turtle; the one celebrated for holding on, and the other for destroying.

Sir, all this is painful to me. It is not consonant to my feelings to call up the history of events which have almost been consigned to oblivion; but I conceive my justification will be found in the course of my colleague, who commenced the investigation of the deeds of General Harrison. I would not willingly inflict pain either on him or his friends, and I owe an apology to the House for having so long detained them on this subject.

Before Mr. HAWES had concluded his remarks, he was arrested by a call for the special order of the day; when the House proceeded to the consideration of the North Carolina

CONTESTED ELECTION.

The motion pending was the proposition of Mr. RENCHER to amend the resolution reported by the Committee of Elections.

Mr. CALHOON, of Kentucky, who was entitled to the floor, continued his remarks from Saturday night last. He adverted to the proceedings on that occasion, and defended the course of the minority, whose only purpose and object was to prevent the question being taken then, without taking a vote upon the various principles embraced in the amendment. That amendment, he maintained, imbodied the very principles upon which the main question ought to be decided; and he yet expressed a hope that the House would vote on each proposition respectively, after hearing the sitting member and the petitioner. He felt authorized to pledge the House that those with whom he acted would refrain from further discussion. Mr. C. then proceeded to ex-

amine the report of the committee, and to controvert their conclusions in favor of the petitioner; supporting, also, at considerable length, the amendment of Mr. RENCHER.

Mr. GRAHAM then rose and addressed the House as follows:

Mr. Speaker: I sincerely regret that this contested election ever came before Congress. I regret that the valuable time of this House should be consumed in relation to a question which is peculiarly the province and the business of the people at home to decide. I regret that some fifty or sixty thousand dollars of the public money should be expended in the investigation of this subject. I regret the wide and irrelevant range of the debate on this matter; and in my head and in my heart I regret to have witnessed some of the scenes which transpired in this temple of liberty on Saturday night and Sunday morning last; for, sir, day was dawning when this House adjourned. In the midst of these regrets, I have one most cheering consolation and reflection. I hope the House and the country will bear in mind that I have had no agency, neither part nor lot, in instituting and introducing this protracted prosecution. I am no volunteer in this matter. I am the defendant, and a most unwilling party to this procedure. My duty, not my will, connects me with this vexatious contest. The verdict of the people, and the judgment of their own appointed sworn officers, solemnly rendered on the faithful finding of the ballot-box, have imposed upon me obligations and duties, which I should be recreant to freemen and freedom if I voluntarily abandoned. A deep sense of duty, and a high regard for the right of suffrage and the majesty of the people, whose sovereign will has been collected and proclaimed from the ballot-box, compel me to stand forth and endeavor to vindicate the rights, and privileges, and honor of my constituents. These very constituents are now looking with an eagle's eye, and turning an attentive ear to the proceedings of this body. They are quite anxious to learn and ascertain whether their constitutional rights to elect their own agents, which is the highest privilege of a republican freeman and an American citizen, are to be superseded and sacrificed. They desire to know whether their old, known, and well-established customs, usages, and habits, of themselves and their ancestors, are to be violated and destroyed, to defeat their own expressed will. Mr. Speaker, these pure, plain patriots, who are the salt of the earth and the strength of the nation, will not hold him guiltless who shall attempt to take away their privileges, and overturn and trample upon the good old honest customs of liberty.

In the twelfth congressional district of North Carolina there are six counties. It is upwards of two hundred miles long, and about eighty miles wide, intersected with lofty ledges of mountains. There are sixty-seven separate places of holding elections. In such a district, how can any representative, without knowing the names of voters alleged to be illegal, without knowing the particular objections to them, and the precincts at which they voted, be able to protect and defend the rights of the ballot-box and the privileges of the people? It is impossible. The high prerogative privilege, the right of suffrage, cannot be understandingly protected and defended, unless and until the charges are rendered certain, definite, and particular. There is in this vexatious contest no allegation made against me. It is made against the people and officers of my district, whose public affairs in this House have, for a time, been committed to my care and keeping. Now, sir, in their name and in their behalf, I have heretofore filed my protest, and demanded of the petitioner, Mr. Newland, an express and written allegation against them, before they or any one of them should be called upon to answer the charges made against them, and before any evidence was taken in the depositions concerning their votes. The petitioner, although called upon, before one deposition was taken, to furnish a list of the alleged illegal voters, declined and refused so to do; and thereby has produced all the delays, and difficulties, and wasteful expenditures of time and money, that have since followed. Why must I be compelled to go into the investigation of this matter in the dark and blindfolded? What good reason can be assigned why the petitioner should not have set forth names, objections, precincts; and state who why, where? Sir, in North Carolina, before any court of justice, if this petitioner had instituted a suit for only twenty shillings, against any individual, he would be obliged to say and declare in writing, definitely and particularly, in what way the defendant became indebted to him. Well, sir, if you must be thus particular in a controversy at law, for a few shillings, why should you be less particular when the dearest rights and highest privileges of freemen are at stake? Shall the right of suffrage and the freedom of elections be sacrificed and overturned with more indifference and less concern than you would require in a trifling matter of shillings and pence? No, sir; no! the liberties of the people, and their own free institutions, are entitled to be treated with more respect and consideration; and he who assails them should not be permitted to stand behind a masked battery; he must put his toe to the mark, and let them see him from the crown of his head to the sole of his foot. He should, before the evidence was taken, have given the particular and specific cause of complaint against each person charged to be an illegal voter. Without this plain, candid, fair dealing, the inestimable right of suffrage would be a mere bubble; it would dazzle and allure only to delude and deceive. I am unable to conceive one good reason why the petitioner withheld, and did not disclose the names of the freemen whom he sought to deprive of their equal republican rights of voting. I hold the proposition too clear to be controverted, that no individual in this republic, from the garret to the cellar, can be deprived of his rights and privileges, but by previous notice to himself or agent; and that notice must be so definite and certain as to inform the party whose rights are to be affected, distinctly and expressly, of the particular grounds of complaint against him. This clear principle is interwoven and incorporated with all our rights; and surely it cannot be dispensed with and utterly disregarded, when the great question of liberty and freedom of elections is directly involved. I cannot perceive why Mr. Newland refused to comply with this reasonable request; it was due in fairness to the voters; and if he had, before taking his testimony, presented me with a list of the names of the alleged illegal voters, and the particular objection to them, then I would have informed them of the charge, and they could have had an opportunity of defending themselves. But it is political robbery to take a freeman's rights away from him without previous notice to him or his agent. It will not do to hang a man to-day, and present the accusation to-morrow. I believe some good legal voters have been deprived of their equal rights and highest privileges, by this unjust procedure.

Mr. Newland proposes, and asks the House, to strike from my poll a large number of voters who voted out of the counties in which they reside. Sir, there are two opinions in North Carolina among the people, with regard to the right of voting beyond the limits of the county wherein you reside for Congress. One opinion is, you must vote, according to the letter of the constitution, in the county only where you reside. The other opinion is more broad and liberal, and is supposed to embrace the spirit of the constitution, and permits a man living in the congressional district to vote for Congress in any

county therein. In Georgia, a citizen thereof, I am informed, can vote in any county in the whole State for Congress. In South Carolina, too, I learn you may vote any where in the congressional district for Congress. Now, sir, when there are two opinions, emanating from respectable sources, on this subject, I presume it becomes this honorable House to incline on the side of liberty. I candidly confess, if this were an open question, and never had heretofore been decided otherwise by the inspectors of the election, and the people themselves in my district, I should say a man could only vote in the county wherein he resided. But inasmuch as there are respectable persons entertaining opposite opinions; and since there is positive proof that it has always been customary for men living in the twelfth congressional district to vote for Congress at any election in that district; and since the real result of the election would not be changed, so far as this class of voters is concerned, if they had voted for the same candidates in their own counties; and since the object and duty of Congress should be, not to deprive freemen of their privileges, but to protect them in the real enjoyment of liberty: then, for these reasons, founded in justice and equity, I contend the honest freemen who lived in the district, but voted out of their counties, ought not to be deprived of their votes.

The proofs establishing this custom of voters living in the congressional district voting in any county therein, are clear and conclusive: first, by the positive proof of Robert Hall, one of the judges of the election. Second, by the fact that the sheriffs and inspectors of every county in the district received votes of that class in the last congressional election. Third, I perceive from the poll-lists and proofs, that Dr. James Tate, who is a first cousin of the petitioner, made a public speech, and then voted against me out of the county if not out of the State in which he resided. Fourth, Samuel Newland and Washington Newland, the two brothers of the petitioner, voted for him in August last, for Congress, out of the county in which they reside. Mr. Speaker, I have still more important and triumphant evidence to establish this liberal custom. I have proof nearer home, proof that sticks closer than a brother. I see on the congressional poll-book, at Franklin, in Macon county, the name of Daniel Newland, the petitioner himself, who lives in Burke county, at least one hundred and fifty miles from where he voted for Congress, passing through Burke county, and entirely across Buncombe and Haywood counties, into Macon, to vote for Congress. And now, since the majority of the people have solemnly declared he is not elected, he turns round and says no man shall be permitted to have his vote counted for me, (Graham,) who voted for Congress out of the county in which he lived; and he gravely insists that I must lose all votes of that description. The plain practical result is this: he says other freemen shall not do that which his cousin, and two brothers, and himself, all did do. Is this equal rights and common privileges? Is this just, equitable, reasonable, or republican? Our bill of rights declares that no man or set of men shall be entitled to exclusive privileges. I cannot consent that my worthy constituents shall not enjoy equality and liberty with other men; and be debarred from the ballot-box, and deprived of their privileges at the polls, when the petitioner himself and his family have voted out of their own counties. Mr. Newland, sir, is like an eagle shot by an arrow feathered from his own wing. He cannot gainsay in others what he himself has done. No, sir, no; example goes before precept. The petitioner, to obviate this difficulty, stated on this floor, a few days since, that although he had voted in the last congressional election out of the county in which he lived, still he had done so in a mere jest or joke. A joke, eh! Mr. Speaker, this is a very serious joke. What is fun to some may be death to others. If this ever was a joke, it is one quite too much at the expense of other people. I hope this petitioner will not carry his jokes so far as to deprive my honest constituents of their ancient customs and just rights.

Now, with this pregnant proof and distinguished example before you, what will this honorable House do with that largest class of voters who voted out of the counties in which they lived? because, without striking them from my poll, this petitioner, every one sees, has no hope of success. I will tell you what you ought to do. Recollect the people do not petition to disturb their own verdict; no, sir; the jurors are all satisfied; but the defeated party, single and alone, petitions to set aside the verdict of the ballot-box. You ought to say to him, what a court of equity would say to him if he were to apply to them to set aside this class of voters: "If you Mr. Petitioner, can show merits on your side, and an injury done to you, we will interpose our authority and grant redress." The papers are read, and it is seen that the family of the petitioner and himself have done the very thing which he complains of in others. The judge looks with astonishment, and addresses the petitioner thus: "I see you, yourself, have voted out of the county in which you live. This is a court of equity, and should not do iniquity. The principle of this honorable court of conscience is the republican rule. Equality is equity, and must be dealt out to all alike, without distinction of persons. You must do unto others as ye would that they should do unto you. Mr. Clerk, dismiss the petition at the costs of the petitioner." Although the committee struck thirteen voters from my poll, for voting out of their counties, yet the petitioner, Mr. Newland, is permitted to retain on his poll the votes of his cousin and brothers, that have done the very same thing. This is left-handed justice, sir, and a burning shame.

Mr. Speaker, if this House should turn one member out and turn another in, by taking such unfair advantages of my constituents, there will be fire in the mountains. Sir, there will be one general burst of fiery indignation. When you improperly interfere with high privileges, and infringe upon the rights of the ballot-box, you touch a magazine. A single spark might cause an explosion which will wound, cripple, and perchance kill, those who may wantonly apply the match.

Notwithstanding the committee have said, I shall not have one of the votes which were given to me out of the county in which the voter lived, yet they have said that Mr. Newland shall have three votes added to his poll that were given to him at the Henderson precinct, in Buncombe county, from three voters living in Yancey county. Is this evenhanded justice? Is this weighing out impartial justice in golden scales? No, sir. It is the game of "heads, he wins—tails, I lose." A good rule ought to work both ways.

The committee have done me and my constituents, in another respect, great injustice. They have said that Mr. Newland shall, at the Franklin precinct, in Macon county, retain five votes that are expressly proven to be taken, not from the Congress box, but from the Commons box. Mr. Robert Hall establishes this fact; and Mr. J. W. Killian also swears that "all the tickets taken from the Commons box, for the candidates for Congress, were given for Newland," and there were five or six. They were all counted for Newland in the congressional election. The return of the officers of that election confirms the evidence of these two respectable witnesses; for it shows only four hundred and forty-five voters' names registered on the poll-book, and yet four hundred and fifty votes were counted for Congress. By adopting this unjust rule, you put it in the power of one voter to give as many tickets as there are different boxes to one candidate; and you supersede the necessity of

separate boxes. In the case of a contested election in this House in the year 1830, of Washburn against Ripley, it was expressly decided that "the intention of a voter is to be ascertained only from the box in which his ticket is deposited." The majority of the committee (if there be any majority) have entirely misconceived and misrepresented the evidence, both of Hall and Killian, as any gentleman will see by reading their evidence, and comparing it with the report. The report makes Robert Hall swear what he never said. It represents him as swearing that it was the custom to change votes from one box to another and count them. Now, Mr. Hall states no such thing; hear his own words: "I know that it has been the custom for men who lived in the district to vote in whatever county in the district where they may be at the election;" and yet, wonderful to tell, he is misrepresented in the report, page 3, to say as follows: "Robert Hall further states that it is customary to correct such mistakes;" that is, to change votes from one box to another and count them. Neither Hall nor Killian says there was any mistake. I am pleased to see one of the five members who signed that report rise in his place and disclaim and deny that he ever agreed to this part of the report; but still, I regret to see his name sanctioning a paper which he says himself he does not approve now, nor never did.

The committee say they will add five or six votes to Newland's poll, that never were given, but tendered and refused by the judges, at Morgantown. I cannot assent to the proposition that a vote shall be counted that never was given. The intention to do an act is one thing, and the actually doing of it is another. I hold that the House can decide only upon the votes actually given. I concede, if a sufficient number of good votes had been tendered and refused, after the persons tendering them had offered to swear to their qualifications, and that they had not before voted in that election, then that might constitute a good ground to order a new election, if the number so offered would have changed the result. Independent of other objections to all this class of persons as legal voters, not one of them proposed to swear to his qualifications, or that he had not before voted in the election.

Hearsay evidence has been rejected by the committee; of that kind, however, I have proven one hundred and five illegal votes against the petitioner, and he has but fifty-four against me. Two of the five members that signed this report have been sick and unable one half their time to attend the committee-room. Another member went home during the Christmas holidays, and stayed about three weeks; hence you find so many misstatements and misrepresentations in the report. My depositions and evidence have been flowing in from the people of my district, until every man, without an exception, who has read it, admits that I am entirely and largely ahead.

I have been surprised to hear gentlemen from all sides of the House introduce the next presidential election into this debate. Sir, my constituents have a clear right, not only to elect whomsoever they please to represent them on this floor, but they have the same right to vote for whom they please for the next President; they know my settled and declared determination, in the event of the presidential election coming before this House, to vote for and support that condidate who shall receive a majority of the votes in my district.

The opinions of a majority of the people of my district, as expressed at the polls in November next, in the choice of electors, will be my letter of instructions on that great question, and I shall cheerfully act in obedience thereto.

Sir, Congress should be deprived, in any event, of electing a President; and then you would not see this temple of liberty and legislation continually converted to the illegitimate purpose of President-making, and usurping the rights of the people. I have entertained and expressed these views and sentiments at home as well as here. My opinions in relation to this question have undergone no change. They were the same last summer that they are this winter. My honest constituents can neither be bought nor sold while their rights are committed to my keeping. I have adverted to this subject, not because I feel any obligation or accountability to any man or set of men here: all my responsibilities are to the people at home.

Mr. Speaker, if I believed for one moment that I was not fairly and duly elected a member of this honorable body, I would resign my seat before the setting of the sun. I do not desire a seat here unless I obtain it as the voluntary freewill offering of freemen. I was born free and independent, and, by the permission of Divine Providence, I intend to live and die so. All the advantages of the last summer's campaign were in favor of the petitioner, and against me. He had a very extensive, numerous, and wealthy connexion in the district. His father, brothers, and cousins pervaded and intersected every cove and neighborhood in that widely extended district, to favor the wishes of the petitioner. I stood alone, without a relation in the district—no, not one. But the bone and sinew, the nerve and muscle of the country—yes, sir, the workingmen, the farmers, and tax-payers, sustained me, and I was elected by the people. After the secrets of the ballot-box were unfolded and told, and proclamation duly made, I hoped, and fondly hoped, that I should find some rest, and that the voice of the people would have been acquiesced in and submitted to without a murmur. But, not so. I have since been pursued in the most unexampled and untiring manner. Through these embarrassing trials I have had no assistance in the management of this case. The petitioner employed an able federal lawyer of this city to prepare and argue his cause before the committee. He made all his arguments for him, and drew up all the papers attached to the report of the committee signed by the petitioner, and has been his constant counsellor up to this time.

Mr. Speaker, I am exhausted and tired of this contested election; you, sir, the House, and the country, know it is not one of my seeking. The people at home know that duty to myself and to them imposed upon me a most unwelcome participation in this unpleasant and unprofitable contest. It is true, my majority was small; but he who lives in a small log cabin is just as much bound to defend it as though it were a large castle. His house is his castle, without regard to size; and he who will not protect and endeavor to defend it is worse than an infidel. The people placed me in this House, their Capitol, and commanded me to defend it and keep out intruders. When I ask the honor of a seat on this floor, I shall ask it, not of the members of this House—no, sir, no—but of the people of my district. It is my deliberate conviction that I am fairly and clearly elected; but, if the House are not disposed to look into and hear the evidence and decide upon the propositions submitted in the resolutions now on your table, then send it back to the people of the district, and by their opinions I am always willing to abide.

When Mr. G. had concluded,

Mr. NEWLAND obtained the floor, but yielded it to

Mr. GARLAND, of Louisiana, who moved an adjournment; which was agreed to, 94 to 29.

The House then adjourned.

TUESDAY, MARCH 29.

JACKSON CITY.

Mr. FAIRFIELD, from the Committee on the District of Columbia, reported a bill to incorporate the Jackson

City Association in the District of Columbia; which was read the first time.

Objection being made to its second reading, the SPEAKER said the question would be on the reception of the bill.

Mr. FAIRFIELD said that, from remarks which he heard from gentlemen in his vicinity, the nature of the bill was entirely misapprehended; and he presumed that was the case with gentlemen on the other side of the House. It seemed to be regarded as a charter for a city. Now, sir, it is very far from this. The facts are these. A number of gentlemen, some of them residing in this District, having become associated in the purchase of a large tract of land on the other side of the Potomac in this District, with the expectation that, from its peculiar position and other circumstances, not necessary now to enumerate, a commercial city will soon be established there; and intending themselves to make a beginning, now ask for an act of incorporation to enable them to manage this common property with more facility and convenience than they otherwise could. The powers granted are few, and no more than are absolutely necessary for the purposes of the association. If the gentlemen succeed, as they now anticipate, in inducing gentlemen not now connected with the association to come here and establish themselves in commercial pursuits, they will by and by ask us to grant them a city charter. Now they ask for no such thing; but for a few simple corporate powers. But, however well or ill grounded are the expectations of these gentlemen, or whatever may be the merits or defects of the bill, it is hoped that the usual courtesy will be extended towards it, of permitting it to pass to a second reading.

Mr. WARDWELL remarked that, in his opinion, if there ever was a humbug, this is emphatically one; and he hoped that the House would at once reject the bill. What are the facts attending this most singular application? Several gentlemen have purchased a farm at the south end of the long bridge over the Potomac, in this District. Their ostensible object is to build a city; but, in my opinion, the real object is to make money out of it at the expense of the community. Should we incorporate this company, what will be the consequence? The lots will be advertised in New York, and the different cities of the Union; they will be sold at a large price; the company will pocket the money, and those who purchase will lose it. This will be the result of this humbug. He hoped the House would reject the bill at once, and not give countenance to a project so well calculated to deceive the people.

Mr. SPEIGHT had heard of taking time by the forelock; but the present motion looked like taking legislation by the forelock. Why did not gentlemen wait until the proper time for objecting to this bill? The course indicated on the present occasion was, to his mind, more odious than the previous question, about which so much had been said. He hoped the bill would be permitted to take the usual course, and be referred to a Committee of the Whole, where, in the present state of the business, it would probably sleep for the remainder of the session. The proposition to reject at that stage would give to the bill more importance than it deserved. Mr. S. asked for the reading of the bill; which was accordingly read in part; when

Mr. ALLAN, of Kentucky, moved to suspend the further reading of the same; which was agreed to.

Mr. VANDERPOEL said that this bill was reported by one of the standing committees of this House; and he would ask whether it was entirely courteous to the committee to make the summary disposition of the bill which was now proposed. He did not know that he should ultimately vote for the bill; he was at least open to conviction as to its merits and demerits; but he did not believe that the bill was on its face so preposterous, and so outrageous in principle, as to require the desperate expedient now proposed to be adopted in reference to it. Why not let it go through the ordinary routine of legislation? It did not propose to charter a city before a city was erected, but to grant to an association of gentlemen corporate powers to facilitate the effort to build a city on the other side of the Potomac, which the petitioners told us they contemplated doing. If the petitioners or proprietors really intended to build, or commence building, a city there, an act of incorporation like the one now under consideration might be very convenient and useful. It would at least guard against the inconveniences that would result from the death of any one or more of the proprietors, and the probable minority of those who might succeed them. He was not, in principle, favorable to the unnecessary increase of corporations, but this bill was certainly not so flagrantly objectionable as to destroy all claim to that courtesy which was extended to most, if not all, other bills that were reported to this House. He hoped, therefore, that the motion now to reject would not prevail.

Mr. BOND said that this was a novel proposition. When it was attempted to grant an act of incorporation to deal in lands, it was time to take the alarm. In relation to the inconvenience to which reference had been made, about the management of the property of this company, it was the same which was experienced by every partnership; and he inquired whether there was a gentleman present, who had heard the bill read, who would vote for it.

Mr. PEYTON was sorry to witness the uses which were made of the name of the President. He did not object to the political speculations which were carried on in his name, but he did object to the pecuniary speculations which connected his name with the bogs, and swamps, and frogs of Jackson City. This city reminded him of a reply of a Georgian who had visited a tract of land which he had purchased in the western part of Tennessee, in answer to a question as to the production of his plantation. He said that it produced sixty bushels of frogs to the acre, and a sufficiency of alligators to fence in the premises. The gentlemen from New York were not content with appropriating to their use the military fame of Andrew Jackson, but were also disposed to connect it with this bullfrog speculation, for the purpose of advancing the original price of the property. He objected to the use of the President's name for any such purpose.

Mr. FAIRFIELD said that he rose to say only a word in reply. The bill now presented had not been draughted by himself. It was originally very voluminous, and granted very extensive powers; but, on his motion in committee, it had been razeed, and no greater powers retained than were essential to enable the association to manage this property with convenience, and progress with their design. When the subject had first been presented to the committee, he entertained the same opinion that some other gentlemen now appear to entertain, to wit, that it was a mere matter of speculation. But he had since been led to change that opinion. He was now satisfied that the gentlemen of this association had other objects; that they not only intended to proceed immediately in the erection of stores, wharves, and other conveniences for commercial operations, but that they had appropriated the sum of sixty thousand dollars, and held it ready to invest in this enterprise, as soon as they could obtain an act of incorporation, to enable them to proceed with safety. But he said he was not prepared to go into a discussion of the merits of the bill. He had been instructed by the committee to present it only about fifteen minutes before it was presented to this House. But when the proper time arrived, he would

endeavor to show that the case had merits, and that the bill ought to pass, notwithstanding the remarks of the gentleman from Ohio, [Mr. BOND.] The opposition to this bill, in this stage of its progress, he believed to be entirely novel, though he had not much experience in legislation; and he believed it must arise principally from the association of the illustrious name of the President in the title of the corporation, judging from the quarter of the House from which the objections came. The gentleman from Tennessee [Mr. PEYTON] seemed disposed to be merry upon the occasion, and had, moreover, manifested some solicitude lest the President's name should suffer by its connexion with "swamps and bogs." Sir, I wish the gentleman had always manifested the same regard for the President; but it appears to me, from the course pursued by that gentleman, and those with whom he is associated in support of a particular candidate for the presidency, that they would not have felt any great degree of reluctance at seeing the President's name and fame swamped, politically and otherwise, at any time during the past year or two. He repeated that the course pursued by those who objected to the bill was novel, and to him entirely unexpected. He had not the remotest idea, on presenting it, that he should be called upon to say a word in its favor; and he now trusted that it would be permitted to take the usual course, and at a suitable time have its merits fairly and fully discussed.

Mr. REED said there were three cities in this District, neither of which could get along wthout the aid of the Government. He was opposed to any act of Congress which would countenance this speculation. He adverted to the locality and unfitness of this position for a city. He did not wish to treat this bill with any disrespect; he would treat it with more kindness than absolutely rejecting it, by moving to lay it on the table.

Mr. FAIRFIELD asked for the yeas and nays on the resolution; which were not ordered.

The bill was then laid on the table: Ayes 80, noes 64.

The bill from the Senate, fixing the northern boundary of Ohio, was read twice; and

Mr. VINTON made some remarks in favor of acting on this bill without committing it.

Mr. THOMAS rose to make some remarks, but the special order was called for.

CONTESTED ELECTION.

At 12 o'clock, in pursuance of the special order for this day, the House resumed the consideration of the report of the Committee of Elections on the subject of the North Carolina contested election, and the following resolution, with which the report concludes:

Resolved, That James Graham is not entitled to a seat in this House, and that David Newland is entitled to a seat in this House.

The question being on the resolutions moved by Mr. RENCHER, on Saturday, as a substitute for the above,

Mr. NEWLAND (the petitioner) took the floor, and spoke at some length in support of his claims to the seat, and in reply to the argument of the sitting member, [Mr. GRAHAM.]

Mr. CUSHMAN, after some remarks on the length of time which this subject had occupied, and the necessity of deciding it, in order to proceed in the despatch of the public business, moved the previous question.

Mr. PEYTON rose and moved to recommit the report to the Committee of Elections, on the ground that it was not in fact what it purported to be, the report of a committee, as he would prove to the satisfaction of the House.

The CHAIR decided that the motion was not in order, and that the previous question was applicable to the report and the resolution with which it concluded.

From this decision Mr. PEYTON appealed, and proceeded to show that there was nothing before the House upon which the previous question could be taken. The report, he contended, was not the report of the majority of the committee, and a minority report had been decided, by the Chair, not to form any basis for the action of the House. He stated that his honorable friend from North Carolina [Mr. HAWKINS] had not given his assent to the report, though his signature to it was obtained; and the report, therefore, was in fact assented to by only four out of the nine members of the committee.

Mr. HAWKINS explained that he assented to the resolution with which the report concluded, though he differed from it in some important points, which he stated.

Mr. PEYTON proceeded in his remarks for some time, when he was interrupted by

Mr. RIPLEY, who called the gentleman to order, on the ground that the merits of the case were not debateable on the appeal.

The CHAIR decided that the gentleman from Tennessee was out of order.

Mr. PEYTON appealed from this decision, and the yeas and nays were ordered on the question.

Mr. CLAIBORNE, of Mississippi, rose and said that he hoped the House would excuse him from voting on any question arising out of this contested election from North Carolina. He had been detained from his seat by illness during the whole period of the discussion; he had not read a line of the voluminous testimony that had been submitted; he had heard no argument in illustration of the merits of the case; and he could not, in justice to himself, or in justice to either of the parties, vote upon the question. He had no political feeling on the subject; if he had, he would stifle it, as unworthy and degrading. As a representative of the people, he wished to see a fair and impartial judgment rendered, without regard to party. Not being qualified to vote conscientiously, he requested to be excused.

The question being then taken, "Shall the decision of the Chair stand as the judgment of the House?" it was decided in the affirmative: Yeas 124, nays 68.

On motion of Mr. RIPLEY, the gentleman from Tennessee had leave to proceed.

Mr. PEYTON proceeded in his remarks for some time, though he was repeatedly interrupted with questions of order.

After various confused proceedings on questions of order, the point raised by Mr. PEYTON was reduced to writing.

The CHAIR stated the question.

The SPEAKER having decided that the report and resolutions were before the House, and that the previous question shut out any debate or proposition in regard to them, and the gentleman from Tennessee having appealed from this decision, the question now was, "Shall the decision of the Chair stand as the judgment of the House?"

The question being taken by yeas and nays, it was decided in the affirmative: Yeas 138, nays 46.

Mr. PEYTON moved that the House do now adjourn; at the same time remarking that he made the motion for the purpose of enabling the House to come to some conclusion, by which the votes of the House could be taken on the several questions pending in relation to the report, without any further debate.

The question being taken on the motion to adjourn, it was decided in the negative: Yeas 50, nays 130.

Mr. CHAMBERS, of Kentucky, moved a call of the House; and said, the call of the yeas and nays, just taken, showed too many members absent, upon a question of so much importance, and involving so high a responsibility as that now depending.

The question having been taken on this motion by

yeas and nays, it was decided in the negative: Yeas 60, nays 117.

Mr. RENCHER moved to suspend the rules in order to offer a resolution, declaring that, by general agreement, no further debate should take place on the subject of the report and resolution, and that, therefore, the previous question ought to be withdrawn, in order to enable the House to proceed in taking the several questions on the amendments offered to the resolution of the committee.

The CHAIR decided that this motion was not in order.

Mr. RENCHER appealed from this decision, and, thereupon, asked the yeas and nays; which were ordered.

Mr. A. H. SHEPPERD asked if this question was debatable.

The CHAIR replied that it was not.

Mr. PATTON appealed from this decision, and asked the yeas and nays thereupon; which were ordered.

The question being then taken, "Shall the decision of the Chair stand?" it was decided in the affirmative: Yeas 108, nays 56.

The question then recurred upon the appeal of Mr. RENCHER, and the question, "Shall the decision of the Chair stand?" was decided in the affirmative: Yeas 107, nays 48.

Mr. MILLIGAN moved to lay the whole proceedings on the table.

Mr. RENCHER requested that the motion might be withdrawn. He had wished that a decision might be had separately upon the resolutions he had offered; but as the House clearly was not disposed to take that course, he now only wished that the main question might be taken.

Mr. MILLIGAN said his only desire was that time might be had for the House to come to some understanding upon the subject; but as the friends of the sitting member did not desire it, he would withdraw the motion.

Mr. WILLIAMS, of North Carolina, moved a call of the House; which was ordered; and the Clerk proceeded to call the House.

The call of the names having been made, the doors were closed, and absentees called upon for excuses; but soon after, on motion of Mr. WILLIAMS, of North Carolina, the proceedings were suspended, 190 members having answered to their names.

The question then recurred upon the demand for the previous question; which, having been seconded by the House, was ordered to be taken by yeas and nays, and decided in the affirmative: Yeas 112, nays 87.

The House adopted the first branch of the resolution—yeas 114, nays 87; and rejected the second branch—yeas 99, nays 100; and then passed a resolution referring the election back to the people.

The House then adjourned.

The following proceedings, embracing the votes upon the different points of order which arose in the above sketch of the debate, are copied from the journal of the House:

The House resumed the consideration of the report of the Committee of Elections on the memorial of David Newland, contesting the election of James Graham, of North Carolina.

The question recurred on the amendments moved by Mr. Rencher to the resolution reported by the Committee of Elections, and set forth on the journal of the 26th inst.

And, after further debate, the previous question was moved by Mr. CUSHMAN, when

Mr. PEYTON rose to a point of order—"that the previous question could not be moved upon resolutions purporting to be reported by a committee, but which, in fact, were never reported by the committee, because a majority never agreed thereto, and the report was never made in committee; and also that the document purporting to be the report of a majority of the committee is inconsistent and contradictory in its different facts, and presents no result on which the previous question can be called; inasmuch as, in the body of the report, it leaves to the House to decide the propriety of allowing to the petitioner the votes found in the Commons box; and in schedule A, which is annexed as a part thereof, it includes the said votes among the 3,726 stated to have been given for the petitioner."

The SPEAKER decided that the report of the Committee of Elections, signed by a majority of the committee, made to the House on the 24th of February, was the subject before the House; that the previous question could be moved; and that, if demanded by a majority of the House, the main question would be on agreeing to the resolutions appended to said report, and constituting a part thereof, to wit:

1. *Resolved*, That James Graham is not entitled to a seat in this House.

2. *Resolved*, That David Newland is entitled to a seat in this House.

From this decision Mr. PEYTON took an appeal to the House, and was debating the same, when

Mr. RIPLEY rose and called him to order, on the following grounds: "That the majority of the committee having signed the report, notwithstanding the member from Tennessee [Mr. Peyton] alleged that General Hawkins, from North Carolina, had not agreed to it; which allegation is disproved by the statement of General Hawkins, who explicitly declares that he did sign it, and agreed to the resolutions, although he dissented in relation to the five votes put into the Commons box; that, under these circumstances, on an appeal from the decision of the Chair on a point of order, the honorable member fron Tennessee has no right to go into the facts of the case involved in the report, after the motion for the previous question."

The SPEAKER decided that, on the appeal from the decision of the Chair on the point of order, pending a motion for the previous question, it was not in order to go into the facts of the case involved in the report.

From this decision Mr. PEYTON took another appeal to the House, and the question was put, Shall the decision of the Chair on the point of order raised by Mr. Ripley stand as the judgment of the House and passed in the affirmative: Yeas 124, nays: 68.

YEAS—Messrs. Anthony, Ash, Ashley, Barton, Beale, Bean, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Connor, Craig Cramer, Cushman, Davis, Doubleday, Dromgoole; Efner, Everett, Fairfield, Farlin, French, William K. Fuller, Galbraith, J. Garland, Gillet, Grantland, Grayson, Haley, Hamer, S. S. Harrison, A. G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, J. W. Jones, B. Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, G. Lee, J. Lee, T. Lee, Leonard, Logan, Loyall, Lucas, Lyon, Job Mann, Manning, Martin, W. Mason, M. Mason, S. Mason, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, F. Pierce, D. J. Pearce, Pettigrew, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Spangler, Speight, Steele, Taylor, Thomas, J. Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks—124.

NAYS—Messrs. J. Q. Adams, C. Allan, H. Allen, Bailey, Bell, Bond, Briggs, Bunch, J. Calhoon, W. B. Cal-

houn, Carter, G. Chambers, J. Chambers, Childs, N. H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, P. C. Fuller, R. Garland, Granger, Graves, Grennell, Griffin, H. Hall, Hard, Hardin, Harlan, Hazeltine, Hoar, Howell, Ingersoll, Janes, H. Johnson, Lawler, Lawrence, Lay, L. Lea, Lewis, Lincoln, Love, Maury, McComas, McKennan, Mercer, Milligan, Morris, Peyton, Reed, Rencher, Robertson, Russell, Augustine H. Shepperd, Slade, Standefer, Storer, Waddy Thompson, Underwood, Vinton, L. Williams, S. Williams, Wise—68.

Mr. PEYTON resumed, and was addressing the House on the appeal from the decision of the Chair on the question of order, raised by himself, when

Mr. THOMAS rose and called him to order, on the ground "that there is no question before the House which is debatable, the previous question having been called for, which is not debatable; that it is not in order for any member to enter into debate on a question of fact, about which the Speaker and a member may disagree."

The SPEAKER decided that, as the previous question had been moved, and as, by the rules of the House, pending the demand for the previous question, "further debate of the main question" is precluded, and "on a previous question there shall be no debate," that debate on the point of order, if objected to, could not be entertained, as, if permitted, the operation of the rules of the House, which precluded debate on the previous question, would be defeated; and that, consequently, no member could enter into debate on a question of fact, as set forth in the point raised by Mr. Thomas.

The question was then put, Shall the decision of the Chair, on the question of order first raised by Mr. Peyton, stand as the judgment of the House? and passed in the affirmative: Yeas 138, nays 47:

YEAS—Messrs. Adams, Anthony, Ash, Barton, Bean, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushing, Cushman, Davis, Doubleday, Droomgoole, Efner, Evans, Fairfield, Farlin, French, P. C. Fuller, W. K. Fuller, Galbraith, James Garland, Gillet, Grantland, Grayson, Grennell, Haley, Joseph Hall, Hiland Hall, Hamer, Hannegan, S. S. Harrison, A. G. Harrison, Hawes, Hawkins, Haynes, Henderson, Hoar, Holsey, Hopkins, Howard, Hubley, Huntington, Ingham, J. Jackson, Janes, Jarvis, J. Johnson, R. M. Johnson, C. Johnson, J. W. Jones, B. Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Lawrence, G. Lee, J. Lee, T. Lee, Leonard, Logan, Loyall, Lucas, Lyon, J. Mann, Manning, Martin, J. Y. Mason, W. Mason, M. Mason, McKay, McKennan, McKeon, McKim, McLene, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, F. Pierce, D. J. Pearce, Pettigrew, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Spangler, Speight, Steele, Taliaferro, Thomas, J. Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, S. Williams—138.

NAYS—Messrs. C. Allan, H. Allen, Bailey, Bond, Bunch, J. Calhoon, W. B. Calhoun, Campbell, Carter, G. Chambers, J. Chambers, Childs, N. H. Claiborne, Clark, Corwin, Crane, Darlington, Deberry, Denny, Everett, Forester, Granger, Graves, Griffin, Hardin, Harlan, Hazeltine, Howell, Ingersoll, L. Lea, Lewis, Lincoln, S. Mason, Maury, McComas, Mercer, Milligan, Peyton, Russell, Slade, Standefer, Storer, W. Thompson, Underwood, White, L. Williams, Wise—47.

A motion was then made by Mr PEYTON, that the House do adjourn; and the question being put, it was decided in the negative: Yeas 50, nays 130:

YEAS—Messrs. C. Allan, H. Allen, Ashley, Bailey, Bell, Bond, J. Calhoon, Campbell, Carter, G. Chambers, J. Chambers, Childs, N. H. Claiborne, Corwin, Crane, Darlington, Deberry, Denny, Forester, P. C. Fuller, Granger, Grennell, Griffin, Hard, Hardin, Harlan, Howell, Ingersoll, L. Lea, Lewis, Lyon, Maury, McComas, McKennan, Mercer, Milligan, Morris, Peyton, Rencher, Robertson, Rogers, Russell, Spangler, Standefer, Storer, W. Thompson, Underwood, Vinton, Lewis Williams, Wise—50.

NAYS—Messrs. Adams, Anthony, Ash, Barton, Beale, Bean, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, W. B. Calhoun, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Efner, Fairfield, Farlin, French, W. K. Fuller, Galbraith, J. Garland, R. Garland, Gillet, Grantland, Haley, J. Hall, H. Hall, Hannegan, S. S. Harrison, A. G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, J. Jackson, Janes, Jarvis, J. Johnson, R. M. Johnson, C. Johnson, J. W. Jones, B. Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawrence, Lay, G. Lee, J. Lee, T. Lee, Leonard, Lincoln, Logan, Love, Loyall, Lucas, J. Mann, Manning, Martin, J. Y. Mason, W. Mason, M. Mason, McKay, McKeon, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, F. Pierce, D. J. Pearce, Pettigrew, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Taliaferro, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, Whittlesey, S. Williams—130.

A motion was made by Mr. CHAMBERS, of Kentucky, that there be a call of the House; and the question being put, it was decided in the negative: Yeas 60, nays 117:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bond, Bunch, John Calhoon, William B. Calhoun, Carter, George Chambers, John Chambers, Nathaniel H. Claiborne, Corwin, Crane, Darlington, Deberry, Denny, Evans, Forester, Philo C. Fuller, Rice Garland, Granger, Graves, Grennell, Hannegan, Hardin, Harlan, Howell, Janes, Lawler, Luke Lea, Lewis, Lincoln, Love, Lyon, Samson Mason, Maury, McKay, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Peyton, Reed, Rencher, Robertson, Russell, Augustine H. Shepperd, Slade, Standefer, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Lewis Williams, Sherrod Williams, Wise—60.

NAYS—Messrs. Anthony, Ash, Bailey, Barton, Beale, Bean, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coffee, Connor, Craig, Cramer, Cushing, Cushman, Davis, Dromgoole, Efner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Haley, Joseph Hall, Hiland Hall, Hamer, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Hoar, Holsey, Hopkins, Howard, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Job Mann, Manning, Martin, William Mason, Moses Mason, McComas, McKeon, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Thomas, John Thomson, Towns, Tur-

rill, Vanderpoel, Wagener, Ward, Wardwell, Weeks, Whittlesey—117.

A motion was made by Mr. RENCHER, that the rules of the House be suspended, to enable him to submit a resolution, touching the subject matter of the said contested election.

The SPEAKER decided that, pending the motion for the previous question, it was not in order.

From this decision of the Speaker, Mr. RENCHER took an appeal to the House, and stated his point of order in writing, as follows: "That pending a call for the previous question, it is in order to move to suspend the rules of the House, for the purpose of offering such a resolution as the following, to wit:

"*Resolved*, That, by general agreement, there shall be no further debate upon the resolutions of the committee, or the resolutions proposed thereto, in the form of an amendment.

"*Resolved, therefore*, That the call for the previous question ought to be withdrawn; and that the House proceed to vote on each resolution contained in the amendment, and that it be done without debate."

The SPEAKER decided that if, by "general agreement," the motion was entertained, no question of order could arise; but objection being made, it was not in order to entertain the motion at this state of the proceeding, and whilst the motion for the previous question was pending.

Mr. PATTON rose to debate this appeal.

The SPEAKER decided that it was not in order to debate the said appeal, the previous question having been moved.

From this decision Mr. PATTON took an appeal to the House; and the question was put on this appeal, "Shall the decision of the Chair stand as the judgment of the House?" and passed in the affirmative: Yeas 108, nays 58:

YEAS—Messrs. Adams, Anthony, Ash, Barton, Beale, Bean, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Efner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Grayson, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hopkins, Howard, Huntington, Huntsman, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Joshua Lee, Leonard, Loyall, Lucas, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Thomas, John Thomson, Towns, Turrill, Wagener, Ward, Wardwell, Webster, Weeks—108.

NAYS—Messrs. Chilton Allan, Heman Allen, Bell, Bond, Briggs, Bunch, John Calhoon, William B. Calhoun, George Chambers, John Chambers, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Denny, Evans, Forester, Philo C. Fuller, Rice Garland, Graves, Grennell, Griffin, Hardin, Harlan, Hazeltine, Hoar, Howell, Janes, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Samson Mason, Maury, McComas, McKennan, Morris, Patton, Pettigrew, Reed, Rencher, Robertson, Russell, Augustine H. Shepperd, Slade, Spangler, Standefer, Steele, Taliaferro, Waddy Thompson, Underwood, Vinton, Whittlesey, Lewis Williams, Sherrod Williams, Wise—58.

The question then recurred on the appeal moved by Mr. Rencher, and being put, Shall the decision of the Chair stand as the judgment of the House? it passed in the affirmative: Yeas 107, nays 49:

YEAS—Messrs. Adams, Anthony, Ash, Barton, Beale, Bean, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Coffee, Coles, Connor, Craig, Cramer, Cushman, Doubleday, Dromgoole, Efner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Gillet, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Joshua Lee, Leonard, Logan, Loyall, Lucas, Job Mann, John Y. Mason, William Mason, Moses Mason, McKay, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Spangler, Speight, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Wardwell, Weeks—107.

NAYS—Messrs. Chilton Allan, Bond, Briggs, Bunch, John Calhoon, William B. Calhoun, Carter, John Chambers, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Denny, Evans, Forester, Rice Garland, Granger, Graves, Grennell, Hardin, Harlan, Hoar, Howell, Ingersoll, Luke Lea, Lewis, Lincoln, Love, Samson Mason, Maury, McCarty, McComas, McKennan, Mercer, Milligan, Morris, Patton, Rencher, Robertson, Augustine H. Shepperd, Slade, Standefer, Storer, Taliaferro, Waddy Thompson, Underwood, Lewis Williams, Wise—49.

A call of the House was then ordered, on motion of Mr. WILLIAMS, of North Carolina.

After the roll had been called, on motion of Mr. CHILTON ALLAN, further proceedings under the call were dispensed with.

And it was then ascertained that the previous question, which had been moved by Mr. Cushman, was demanded by a majority of the members present.

The said previous question was then put, viz: Shall the main question be now put?

And passed in the affirmative: Yeas 111, nays 88:

YEAS—Messrs. Anthony, Ash, Barton, Bean, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Efner, Fairfield, Farlin, French, William K. Fuller, Galbraith, Gillet, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks—111.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Beale, Bell, Bond, Borden, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chapman, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett,

Forester, Philo C. Fuller, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Hawkins, Hazeltine, Hoar, Howell, Ingersoll, Janes, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lyon, Samson Mason, Maury, McCarty, McComas, McKay, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Peyton, Reed, Rencher, Robertson, Rogers, Russell, Augustine H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, White, Whittlesey, Lewis Williams, Sherrod Williams, Wise—88.

The previous question having been thus put and carried in the affirmative, and the main question ordered to be put, the amendment moved by Mr. Rencher to the resolutions reported by the Committee of Elections was thereby put aside, and the main question was stated, to wit: That the House do agree to the resolutions reported by the Committee of Elections, which are as follows:

1. *Resolved*, That James Graham is not entitled to a seat in this House.

2. *Resolved*, That David Newland is entitled to a seat in this House.

A division of the said main question being called for,

The question was put, that the House do agree to the first of the said resolutions, viz:

1. *Resolved*, That James Graham is not entitled to a seat in this House,

And passed in the affirmative: Yeas 114, nays 87, as follows:

YEAS—Messrs. Anthony, Ash, Barton, Bean, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Efner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks—114.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Beale, Bell, Bond, Borden, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Forester, Philo C. Fuller, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Hazeltine, Hoar, Howell, Huntsman, Ingersoll, Janes, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lucas, Lyon, Samson Mason, Maury, McComas, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Peyton, Pinckney, Reed, Rencher, Robertson, Rogers, Russell, Augustine H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, White, Whittlesey, Lewis Williams, Sherrod Williams, Wise—87.

So it was resolved that James Graham is not entitled to a seat in this House.

The question was then put, that the House do agree to the second of the said resolutions,

And passed in the negative: Yeas 99, nays 100:

YEAS—Messrs. Anthony, Ash, Barton, Bean, Bockee, Boon, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coffee, Coles, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Efner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Haley, Joseph Hall, Hamer, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Howard, Hubley, Huntington, Ingham, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, McKeon, McKim, McLene, Montgomery, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Seymour, Shinn, Sickles, Smith, Speight, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Weeks—99.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Beale, Bell, Bond, Borden, Bouldin, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chapman, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Forester, Philo C. Fuller, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hannegan, Hard, Hardin, Harlan, Samuel S. Harrison, Hazeltine, Henderson, Hoar, Hopkins, Howell, Huntsman, Ingersoll, Janes, Jarvis, John W. Jones, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Loyall, Lucas, Lyon, Manning, Samson Mason, Maury, McCarty, McComas, McKay, McKennan, Mercer Milligan, Morris, Patton, Pettigrew, Peyton, Reed, Rencher, Robertson, Rogers, Russell, Schenck, Augustine H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Webster, White, Whittlesey, Lewis Williams, Sherrod Williams, Wise—100.

And so it was resolved that David Newland is not entitled to a seat in this House.

A motion was then made by Mr. PATTON, that the House come to the following resolution, viz:

Resolved, That the election held in North Carolina in last August, for a Representative of the twelfth congressional district of that State in the House of Representatives of the United States, be set aside, and the seat of such Representative is hereby declared vacant; and that the Speaker of this House inform the Goverpor of North Carolina of the fact.

And on the question, that the House do agree to this resolution, it passed in the affirmative.

WEDNESDAY, MARCH 30.

CORRECTION OF THE JOURNAL.

Some conversation took place between Messrs. PEYTON, BRIGGS, MERCER, BELL, THOMAS, EVERETT, SPEIGHT, and the CHAIR, in reference to alleged inaccuracies in the journal, and particularly in reference to the call to order by Mr. RIPLEY, of Louisiana.

Mr. PEYTON (who was called to order by Mr. RIPLEY yesterday) objected to the terms in which the transaction was entered upon the journal. It appearing, however, that the motion made by Mr. RIPLEY was in writing, that it had been read at the time, and the point of order was decided under it, and it being also stated that the Clerk, in making up the journal, had copied the motion of Mr. R. verbatim, Mr. PEYTON obtained

the consent of the House to enter upon the journal a protest, or explanatory statement on the subject.

PAY TO MR. NEWLAND.

Mr. HAWKINS, by consent of the House, offered a resolution directing the Clerk of the House to pay to David Newland, Esq., the full amount of pay and mileage which would be due to him as a member of the House, from the day when he presented his petition to the 29th instant, inclusive.

Mr. RENCHER suggested that when the bill for the compensation of Messrs. Moore and Letcher was taken up, the gentleman could move this as an amendment.

The resolution, on motion of Mr. MERCER, was so modified as to instruct the Committee of Elections to inquire into the expediency of making the proposed allowance.

The resolution, as amended, was agreed to.

DISTRICT BUSINESS.

Mr. WM. B. SHEPARD, from the Committee for the District of Columbia, reported a resolution setting apart the 27th and 28th of April for the consideration of business relative to the District of Columbia.

Mr. CAMBRELENG moved to amend the resolution so as to strike out the 27th and 28th, and insert the 29th and 30th, viz: Friday and Saturday. It would be necessary (he said) hereafter to give more than one day a week to the consideration of the public business. It would, indeed, he thought, be necessary, by the time proposed, to suspend the rules appropriating Friday and Saturday to private business.

Mr. WHITTLESEY hoped the motion would not prevail. It would be an abandonment of decisions upon private claims. Many important bills had been reported which ought to receive the action of the House; and he would ask, if petitioners with just claims should be compelled to come up year after year, without having their rights examined by the House. There was no necessity for the course proposed. If gentlemen wished to speak upon the appropriation bills at length, there would be ample time, without intrenching upon the time allotted to the consideration of private bills.

Mr. BRIGGS moved to amend the resolution so as to set apart the 28th and 29th for the purpose.

Mr. CAMBRELENG said he had no objection to this course, and withdrew his motion.

The motion to amend was not agreed to.

Mr. PARKER moved to lay the resolution on the table.

Mr. WM. B. SHEPARD called for the yeas and nays; which were refused.

The motion to lay on the table was agreed to, by a vote of 70 to 54.

AMENDMENTS TO THE CONSTITUTION.

Mr. DROMGOOLE, from the select committee raised on so much of the President's annual message on that subject, reported joint resolutions proposing amendments to the constitution, in reference to the mode of electing a President and Vice President.

Mr. D. had reported the resolutions as the organ of the committee, and, differing as he did with the majority, he should move, at the proper time, a substitute for the proposition of the committee. He would further state that the committee had not deemed it necessary to submit any argument to the House on the subject which had been referred to it.

The joint resolutions were read twice, when

Mr. DROMGOOLE moved that they be referred, together with his substitute, to a Committee of the Whole on the state of the Union, stating his intention to follow up that motion by proposing to make the subject the special order for a particular day.

Mr. BELL suggested that if it was the object of the gentleman to discuss and decide this question at the present session, he ought not to send it to a Committee of the Whole on the state of the Union, but permit it to be considered in the morning hour of each day. The various important bills which were before that committee would probably not afford an opportunity of discussing this measure during the session. He would not make the motion, but merely throw out the suggestion for the consideration of the gentleman from Virginia.

Mr. DROMGOOLE had made the motion, which was usual and proper upon such an important measure. It was a question which peculiarly belonged to that committee. He had no desire to get up a discussion. He was in favor of an amendment of the constitution. The bills alluded to by the gentleman from Tennessee he hoped would be disposed of in time to allow this subject to be examined in Committee of the Whole. He therefore could not vary his motion.

Mr. BELL again adverted to the state of the business before the Committee of the Whole on the state of the Union, as a reason for not sending these resolutions to that committee. He would be happy, if circumstances would permit, that this subject should be discussed in committee, where alone it could be fully and freely debated. There would, perhaps, be no advantage gained by deciding the question at the present session; but something would be gained by its discussion, and bringing the subject before the country, so that they might come there at the next session prepared to decide it. If gentlemen were not prepared to go on with the discussion now, he would propose to postpone the subject for two weeks.

Mr. SPEIGHT was not hostile to a proposition to amend the constitution in this particular. He had been twice upon committees who had brought the subject before the House; and he would gladly co-operate in any amendment which would remedy existing evils. He would suggest to the gentleman from Tennessee, [Mr. BELL,] that it would be impossible to give this subject a partial or any thing like a thorough examination during the morning hour, nearly the whole of which was devoted to receiving reports from standing committees. If the proposition of the gentleman from Tennessee prevailed, the resolutions would sleep out the session on the Speaker's table. He was in favor of marching up and deciding the question, and that some early day should be fixed for its consideration in Committee of the Whole on the state of the Union.

Mr. BELL reminded the gentleman from North Carolina [Mr. SPEIGHT] that there were two hours in the morning, instead of one, which might be devoted to this resolution. Besides, he could see no necessity for a protracted discussion on this subject. It had been ten years before the people, and been much discussed in Congress and by the public press.

Mr. SPEIGHT said there was but one hour in the morning for the consideration of reports from committees. He had no objection to the postponement as proposed, and when it came up, it could go to the Committee of the Whole. He was prepared at that moment to decide upon this question. He was in favor of electing the President for one term, and of providing against the possibility of an election by the House of Representatives. He would favor a provision for one term of seven years, or even four years. He preferred seven, but would take six, five, or four years as the term which the President should serve. He was in favor of entering upon this investigation as early as possible.

Mr. HAWES was in favor of an amendment of the constitution on this subject; but he could not consent that the morning hour should be taken up in its discussion. He had offered a resolution on the subject of the West Point Academy, which he deemed of much im-

portance, and he could not vote to give a precedence to other matters, while his resolution remained unacted on. He would vote to consider the present subject at an early day; but could not consent to have it taken up during the morning hour.

After some conversation between Messrs. DROMGOOLE, BELL, and the CHAIR, as to the position of the resolutions during the morning hour, if they should not be committed, the motion to postpone was negatived without a count, and the whole subject was committed to a Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. DROMGOOLE further moved that the subject be made the special order for the first Tuesday in May. There seemed to be a disposition (said Mr. D.) to economize time, and he hoped that the important measures to which reference had been made would be disposed of before the day he had named, and that an opportunity would yet be afforded during the present session for a full, free, and untrammelled discussion of the subject which he had reported to the House.

Mr. CAMBRELENG desired to throw no obstacle in the way of the subject before the House; but it was true, as had been remarked by the gentleman from Tennessee, that there were other important measures besides the appropriation bills which the House might feel disposed to act upon during the session, in preference to this constitutional amendment; and he hoped they would make no other special orders until the one in reference to the appropriation bills was determined.

Mr. RIPLEY was a member of the select committee who reported this proposition to the House. He thought it ought to take precedence of all other business. In this matter they acted in the character of a convention. They proposed to make amendments to the constitutional compact; and in a business connected with the social relations of the community, precedence should be given over the ordinary acts of legislation.

The country had demanded that some change should be made in reference to the re-eligibility, length of term, and patronage, of the Chief Executive. He trusted it would be discussed, and properly disposed of. It was due to the people that this should be done, and it should not be made to give place to an ordinary matter of mere dollars and cents. He hoped, therefore, the motion of the gentleman from Virginia [Mr. DROMGOOLE] would prevail.

Mr. VINTON was opposed to making this subject a special order. Nothing could be gained by such a course. If the majority of the House was disposed to act on the resolutions, it was in their power, at all times, under the rules, to go into Committee on the state of the Union, and could there take up such measures as were deemed proper; and he was not prepared to say, at that time, that it would be proper to take up a particular subject on the second Monday in May. He adverted to the time which was wasted in consequence of an existing special order, and the impropriety of placing the majority in the hands of a minority, which resulted from such a course. He was opposed to any other special orders. He was willing to take up this subject and act upon it, but he could not vote for a motion whereby he would be trammelled.

Mr. LAWLER moved to amend the motion by making the subject the special order for the second Tuesday in April, instead of the first Tuesday in May; which was negatived without a count.

The motion of Mr. DROMGOOLE was also disagreed to without a count.

NAVAL SERVICE BILL.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole on the state of the Union, (Mr. HAMER in the chair,) and, in pursuance of the special order of the 26th of January, took up the bill making appropriations for the naval service of the United States for the year 1836.

The question being on the motion of Mr. BELL to strike out the following clause: "For repairs and improvements of the navy yard at Portsmouth, New Hampshire, $67,000,"

Mr. J. GARLAND rose and addressed the committee as follows:

Mr. Chairman: The motion now under consideration, embracing simply the question whether the navy yard at Portsmouth should be discontinued, or repaired and improved, could of itself involve no important question, either of principle or expediency; and, so far as this simple proposition is concerned, the discussion might long since have been closed; but, instead of confining the discussion to the question really involved in the motion to strike out, there has been connected with it, in the able and eloquent discussions of the honorable gentleman from South Carolina, [Mr. THOMPSON,] the honorable gentleman from Maine, [Mr. EVANS,] and the honorable gentleman from Tennessee, [Mr. BELL,] the propriety and expediency of adopting, at this time, a system of defence by fortifications, the increase and improvement of the navy, and a review, particularly by the latter gentleman, of the course and policy of the existing administration; a scope of discussion certainly not legitimately growing out of the question before the committee.

The honorable gentleman from Tennessee, in his introductory remarks, contended that it was proper that the general course and practice of the Government should be frequently and freely discussed in this House, in order that the people might be informed; and that he deemed this a proper and suitable occasion to discuss the merits of the present administration, as it was probable no occasion more suitable would offer during the present session. Whenever a subject is presented to the consideration of this House, involving a question of constitutional power, or of expediency, I admit it is legitimate and proper to review the course and practice of the Government, under each and every administration, so far as that course and practice apply to the single subject under consideration; but I utterly deny that it is expedient or proper, upon a single isolated subject, to take such a range of discussion, embracing so many topics of deep and pervading interest; for if it be proper or expedient to do so in relation to one subject, it is equally so in relation to another; and thus, upon every subject which can be proposed, there would be an illimitable range of debate; and this body would assemble for no other purpose than to prosecute discussions affecting presidential elections. It must be readily perceived by every gentleman present, that this mode of discussion can have no other bearing than to affect presidential elections, as it obviously is intended to affect the coming election, and that the principal business of the body will be to make and unmake Presidents.

Mr. Chairman, to the propriety of all and every discussion having reference to the election of President and Vice President, I utterly object; this is no part of the duty assigned us by the constitution. The constitution assigns to Congress duties of purely a legislative character. It does not authorize us to concern ourselves with the presidential elections, except in cases where the people have themselves failed to make a choice; and it is even doubted by many whether this contingent power should not be taken from the House of Representatives; indeed, propositions, time after time, have been made, and one is now before this House, for that purpose. There is no man here, I presume, whose experience has not taught him that the subject of a presidential election is

the most agitating and exciting political topic which can occupy the attention of the people, or of this body. It never fails to produce that degree of excitement which puts into full play the strongest passions of our nature, and disqualifies the mind for that sober, rational, and deliberate investigation necessary to conduct the mind to truth, and the judgment to sound conclusions. Congress being charged by the constitution with the important duties of legislation for this great and growing republic, it is all-important that harmony and good feeling should prevail in its deliberations; that it should examine, with sound reflection and mature deliberation, all measures which come under its consideration; and, in their adoption, look to the fundamental principles of the constitution for their guide, and the power, happiness, and prosperity of the people for their end. If, however, the propriety of introducing the exciting subject into this House to which I have referred, be established, this subject will become the polar star of all our actions here, without regard to the effect of our measures upon the principles of free government, or the wealth, happiness, liberty, and prosperity of the people. The minds of members, from the excitement always attending discussions of this character, will, by their prejudices and prepossessions, become totally disqualified for sound and wholesome legislation; for the truth of which I appeal to the experience which we have already had. If the principle and example of the gentleman from Tennessee be carried into practice, I think the honorable gentleman ought not to complain of the delays of this House.

I, for one, Mr. Chairman, am determined to discard, as far as I can, every consideration upon legislative questions of a mere partisan character, look to the fundamental principles of the constitution as my guide, and the good of my country as the end, in all my actions, while I have the honor of a seat upon this floor. I never will consent to lower the standard of the constitution to promote the views or secure the dominancy of any party. The party with which I act, and which I sustain, must come up to that standard of constitutional construction which I regard as fundamental, or I must part with it. Entertaining these views, I should not have deemed it necessary to have made a single remark upon the subject now before the House; but the gentlemen to whom I have referred, particularly the gentleman from Tennessee, have thought otherwise, and have brought into view the whole subject of fortifications, increase and improvement of the navy, and the course and practice of the present administration, attempting to show that the administration had departed from the principles upon which it came into power, and that its practices are corrupt and anti-republican. I should not now, Mr. Speaker, have undertaken to address the House, had not the honorable gentleman from Tennessee made such frequent allusions to the Virginia delegation sustaining the administration, but should have left the task to some other friend of the administration, whose superior abilities and greater experience better qualified him than myself for the task of defending the principles and policy of the administration which have been assailed, and which I, in the main, approve, and am prepared cordially to sustain, as far as my humble abilities will permit.

The first question which presents itself for consideration, growing out of the extensive range of this debate, is the propriety of a system of defence by fortifications and increase of the navy. In coming to a conclusion upon this question, it should be borne in mind that, our institutions being democratic, and essentially pacific, all the wars in which we may unhappily be engaged will be principally of a defensive character: our system, happily, is totally inadequate to the successful prosecution of offensive foreign wars, while it is entirely adequate for all the purposes of successful defence. Large standing armies, and numerous fleets always in commission, are incompatible with the genius of our institutions and the security of our liberties; hence they cannot be employed; they are only essential to the prosecution of offensive foreign war. The militia, composed of the great body of the yeomanry of the country, is the only safe reliance for the defence of the nation against invasion by hostile armies, compatible with the principles of free government, and should be employed in the most efficient manner possible, being composed of the same materials, and with the same discipline, would be as efficient as regular troops; yet, from the nature of the militia system, men called out on short service, acting together for the first time, having scarcely the first rudiments of military discipline, could not be relied upon in a regular field conflict with well-organized, well-disciplined troops, of which an invading army would in all probability be composed; disaster and defeat would be the inevitable result; but, protected by strong fortifications, in which so much discipline and experience would not be necessary to successful resistance, they would make up in reliance upon the security which such defences afford, what they would lose by the want of discipline in the field. This truth has been most decisively tested by experience. In the brilliant defence of New Orleans during the late war, in which the citizens of Kentucky and the countrymen of the honorable gentleman from Tennessee bore such a conspicuous part—a defence in which about 3,000 men resisted and put to flight about 14,000 of the flower of the British army, before whose victorious standard the proud eagles of Napoleon himself had crouched—this system was well tested. Who doubts, if the battle had been fought in the open field, that, from want of discipline, our gallant militia would have been defeated, and New Orleans captured and plundered? Many examples might be cited, such as Plattsburg and Fort Erie; but it is unnecessary to detain the committee with the recital. I will here cite an extract from the report of the board of engineers, at the head of which was General Bernard, made on the 25th of February, during the late administration, and approved by the then Secretary of War, who is a Southern man, in support of the system of national defence now proposed. It is as follows:

"Fortifications must close all important harbors against an enemy, and secure them to our military and commercial marine; 2d. Must deprive an enemy of all strong positions, where, protected by naval superiority, he might fix permanent quarters in our territory, maintain himself during the war, and keep the whole frontier in perpetual alarm; 3d. Must cover the great cities from attack; 4th. Must prevent, as far as practicable, the great avenues of interior navigation from being blockaded at their entrance into the ocean; 5th. Must cover the coastwise and interior navigation, by closing the harbors and the several inlets from the sea, which intersect the lines of communication, and thereby further aid the navy in protecting the navigation of the country; and 6th. Must protect the great naval establishments."

"The navy must be provided with suitable establishments for construction and repair, stations, harbors of rendezvous, and ports of refuge; all secured by fortifications, defended by regular troops and militia, and supplied with men and materials by the lines of intercommunication. Being the only species of offensive force compatible with our political institutions, it will then be prepared to act the great part which its early achievements have promised, and to which its high destiny will lead.

"If our navy be inferior to that of the enemy, it can afford, of course, unaided by fortifications, but a feeble resistance—single ships being assailed by whole fleets;

if it be equal or superior, having numerous points along an extended frontier to protect, and being unable to concentrate, because ignorant of the selected point of attack, every point must be simultaneously guarded; our separate squadrons may therefore be captured in detail, by the concentrated fleet of the attacking Power. If we attempt to concentrate, under an idea that a favorite object of the enemy is foreseen, he will not fail to push his forces upon the places thus left without protection. This mode of defence is liable to the further objections of being exposed to fatal disasters, although not engaged with an enemy; and of leaving the issue of conflicts often to be determined by accident, in spite of all the efforts of courage and skill. If it were attempted to improve upon this mode, by adding temporary batteries and field works, it would be found that, besides being weak and inadequate, from their nature, the most suitable positions for these works must often be neglected, under a necessary condition of the plan, that the ships themselves be defended; otherwise, they must either take no part in the contest, or be destroyed by the superior adversary.

"We pass over the great comparative expense of such a mode of defence, rendered clearly apparent by a little reflection, with these brief remarks, viz: That the defensive expenditures by this system will, in the first instance, greatly exceed the offensive; and that these defences, being perishable in their nature, will require frequent renewal and repairs.

"The proper fortifications of the coast preventing the possibility of a blockade so strict as not to offer frequent opportunities for our vessels to leave the harbors, the navy, no longer needed for passive defence, will move out upon its proper theatre of action, though inferior to the enemy, with confidence; knowing that, whether victorious, whether suffering under the violence of tempests, or whether endangered by the vicinity or the pursuit of a superior force, they can strike the extended coast of their country (avoiding the harbors and the important outlets of the country, where alone a blockading force may be supposed to lie) at numerous points where succor and protection await them. Hovering around the flanks and rear of blockading fleets, and recapturing their prizes; falling upon portions of these fleets, separated for minor objects, or by stress of weather; watching the movements of convoys, to capture straggling vessels; breaking up or restraining the enemy's commerce in distant seas; meeting, by concert, at distant points, and falling in mass upon his smaller squadrons, or upon his colonial possessions, and even levying contributions in the unprotected ports; blockading, for a time, the narrow seas, and harassing the coasting commerce of the enemy's home: these are objects which our own history shows may be accomplished, although contending against a nation whose marine has never been paralleled as to force and efficiency, with a navy apparently, as to numbers, insignificant. Our own history shows, besides, that the reason why our infant navy did not accomplish still more, was, that the enemy, being able to occupy unfortified harbors, was enabled to enforce a blockade so strict as to confine a portion within our waters. That this portion—indeed, that all—was not captured, is to be attributed solely to a respect (so misplaced that it could only have been the fruit of ignorance) for the then existing fortifications; a result, notwithstanding, amply compensating the nation for the cost of these works."

"It is truly an axiom in military science, and one fully illustrated by military history, that the worst mode of waging war, although strictly defensive, is to allow its field of action to be within the borders, and that the best is that which most frequently assumes an offensive attitude. In our case, war can only be excluded from our territory by fortifications; and we can only assume the offensive through our navy. The construction of the former secures the means of creating, equipping, and repairing the latter, and leaves it unencumbered with duties which it imperfectly performs, to the full exercise of its important and appropriate functions."

In the principles of the above extract I fully concur, and am confident it will forcibly strike the attention of every member in his deliberations upon this subject. A system of defence, by fortifications, has been recommended by almost every administration since the foundation of the Government, and by some most zealously pressed. General Washington, in his annual message to Congress of 1790, made the following strong recommendation: "Among the most interesting objects which will engage your attention, that of providing for the common defence will merit particular regard. To be prepared for war is one of the most effectual means of preserving peace." Again: in his message of 1791, he says that, "in connexion with this, [arming the militia,] the establishment of competent magazines and arsenals, and the fortification of such places as are peculiarly important and vulnerable, naturally present themselves for consideration. The safety of the United States, under divine protection, ought to rest on the basis of systematic and solid arrangement, exposed as little as possible to the hazard of fortuitous circumstances." Again: in 1793, General Washington, whose solicitude for the safety and security of his country was in constant action, urged upon Congress the necessity of adopting a complete system of defence, in the following patriotic and energetic terms: "I cannot recommend to your notice measures for the fulfilment of our duties to the rest of the world, without again pressing upon you the necessity of placing ourselves in a condition of complete defence, and of exacting from them the fulfilment of their duties towards us. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States, among nations, which will be withheld, if not entirely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, it must be known that we are at all times ready for war." In the session following, a committee of the House of Representatives made a report, recommending that our whole maritime coast, from Maine to Georgia, be put in a state of defence, accompanied with a statement from General Knox to the then Secretary of War, of the number and kinds of works which would be necessary for the different ports and harbors.* This recommendation embraced almost every point of defence now recommended; for, in fact,

* This report led to an act of Congress authorizing fortifications to be erected at the points designated, and is in these words:

"That the following ports and harbors be fortified under the direction of the President of the United States, and at such time or times as he shall judge necessary, to wit: Portland, in the District of Maine; Portsmouth, in the State of New Hampshire; Gloucester, Salem, Marblehead, and Boston, in the State of Massachusetts; Newport, in the State of Rhode Island; New London, in the State of Connecticut; New York; Philadelphia; Wilmington, in the State of Delaware; Baltimore, in the State of Maryland; (Annapolis, by supplementary act;) Norfolk and Alexandria, in the State of Virginia; Cape Fear river and Ocracock inlet, in the State of North Carolina; Charleston and Georgetown, in the State of South Carolina; and Savannah and St. Mary's, in the State of Georgia."

the recommendation of the present War Department is but a recital, with a little more energy, of the recommendations made by previous administrations. This system of defence, and the increase of the navy, was somewhat abandoned during the administration of Mr. Jefferson, and the gunboat system substituted for it.

This system was found utterly inefficient during the late war, and has been abandoned. The system of fortification was recommenced and vigorously prosecuted during the administration of Mr. Madison, and has been strongly urged upon Congress ever since by every succeeding administration, and to Congress belongs the fault why we are now in so defenceless a condition. If there had been proper defences by fortifications on the Chesapeake, posterity would have been saved the mortifying task of reading the disgraceful capture of this city during the late war by a handful of British troops. Much blood, much treasure, and much destruction of property, would have been saved to the nation. The present President of the United States unites his voice with that of Washington, Madison, and Monroe, in recommending the immediate commencement and energetic prosecution of a system of fortifications for our national defence: by it we may in time be saved the horrid calamities of wars of invasion, such as were felt during the late war, in the pillage, plunder, conflagration, and devastation of our towns and villages, and the murder of our citizens in cold blood by a brutal soldiery. Sir, want of preparation invites attack; preparation frequently prevents it. I am, Mr. Chairman, a decided advocate for the adoption of this system of national defence, and shall vote for appropriations for that object. In making this avowal, however, I am not to be understood as pledging myself to vote for the erection of fortifications at every point which may be proposed; I design no such thing. But I will take up each scheme, and ascertain its importance and necessity, and vote for it or not, as I may deem expedient. I shall, in the first place, vote for fortifying those points which are of primary importance and most exposed, and so graduate the system until all necessary and important points are provided for.

Intimately and importantly connected with a proper and judicious system of national defence, is the improvement and increase of the navy. To this arm of national defence we must look with increasing solicitude; for, as our power, commerce, and resources increase, so increases the probability that any future foreign war in which we may be engaged will be mainly upon the ocean, more particularly if our maritime frontier shall be inaccessible by means of its fortifications. Our navy is now totally inadequate to our defence, comparing its strength with that of those foreign Powers with whom there is any probabilty of coming into collision. It is admitted on all hands that our present navy is inadequate to the protection of our extended and increasing commerce. If thus inadequate to this purpose, how much more so to the protection of our coast against the powerful navies of European Powers, particularly France and Great Britain? The importance of an increase of this arm of the national defence need only to be mentioned to be approved.

The necessary connexion between these two systems is perspicuously and forcibly enforced in the following quotation from the document before referred to: "The navy must be provided with suitable establishments for construction and repair, stations, harbors of rendezvous, and ports of refuge; all secured by fortifications, defended by regular troops and militia, and supplied with men and materials by the lines of intercommunication. Being the only species of offensive force compatible with our political institutions, it will then be prepared to act the great part which its early achievements have promised, and to which its high destiny will lead." These are sound truths, and to their practice we have been urged by the patriots and statesmen who have and do now administer the executive department of this Government. I therefore readily conclude that the proposed system of defence is, upon every principle of economy and efficiency, the best which can be adopted; not so prodigal of human life as contests in the field, and most compatible with the genius and stability of our free institutions.

This system has been assimilated by the honorable gentleman from Tennessee, [Mr. Bell,] to that of the federal administration of 1798, to which the republican party was so warmly opposed. The parallel will not hold good; the policy of that administration, so strongly reprobated, was, that, under the mask of a war with France, a standing army and navy, far beyond our resources, physical and pecuniary, and dangerous to liberty, was sought to be established. The proposed system is not beyond our resources, pecuniary or physical, and involves no necessary increase of the standing army, and a very gradual increase of the navy. The system of defence by fortresses is peculiarly adapted to the efficient and successful employment of the militia; no increase of the army worthy of consideration is proposed. We have before us statements of the chief of the engineer department and the inspector general, proving, that so far as the system of fortifications is concerned, any material increase of the army will be unnecessary. The only reason which would induce a small increase of the army grows out of the concentration of so many hostile tribes of Indians on our western frontier, which, combined, can bring into the field twenty thousand or more warriors, and the existing hostilities between Mexico and Texas, requiring a strong force on that frontier for the maintenance of our neutrality.

The adoption of an efficient system of national defence is of high constitutional obligation. Common defence, growing out of a sense of common danger, arising from the individual weakness of the States, is one of the main pillars of the Union, the very foundation stone upon which it was erected, and constitutes one of the most important duties of this Government. The only inquiry, then, for American statesmen, is, whether there be a point on our extended limits accessible to hostile attack, undefended; if there is, our constitutional obligations require that it should be put in a state of defence; if we refuse, then we have failed to perform our constitutional duties and discharge our constitutional obligations. Is this the condition of the country? Upon almost every point of our extended maritime frontier there are many important points entirely without defence; and but few, if any, having sufficient defences. This appalling fact is admitted by almost every member here; indeed, is not denied by any. Many have felicitated the country on its escape from damage and dishonor, by the settlement of our controversy with France, growing out of this miserable state of our defences. Shall not then the experience of the past, and the dangers we have escaped, admonish us so to prepare for the contingencies of the future? Shall we not avoid such great risks, by adopting and executing an invulnerable system of defence? Wisdom says we should. The recommendation to adopt this system of national defence, and make appropriations for its execution, is what the gentleman from South Carolina [Mr. Thompson] and the gentleman from Tennessee [Mr. Bell] call a war upon the Treasury; as constituting a part of the corrupt practices of this administration. If, Mr. Chairman, this is a war upon the Treasury, it should be prosecuted with the utmost vigor until its end is accomplished. It is such a war as ought to be waged; it is war upon the Treasury, to do that which constitutes one of the highest duties and strongest obligations of the Government to the nation—to provide for the common defence. In acting upon this subject, I shall not be con-

trolled by a miserly calculation of dollars and cents, but by the necessities of the country; she ought to be and must be defended, or we are lost to the experience of the past, and unfaithful to the obligations of the Government and our duty to the country.

The navy yard at Portsmouth, to strike out the appropriation for the repairs and improvement of which the motion is now under discussion, was established in 1794, with the sanction of General Washington, during his administration. Its repairs and improvement have been the subjects of appropriation by every succeeding administration, and I cannot perceive any good reason why it should now be abandoned, and all the works constructed there thrown away and lost. It is not questioned by any one that the harbor is safe, and that the depth of water is ample for ships of war of the largest size.

This point is very important in another point of view. It is near the southern boundary of the State of Maine, and its preservation important to prevent, in case of invasion, this State from having its communications with the other States cut off. The State of Maine, in its geographical position, is bounded on its southeast by the Atlantic ocean, on its east, north, and northwest, by Canada. An enemy, having command of the ocean, and in possession of Portsmouth, might, by forming a military post on the Canada frontier opposite Portsmouth, successfully cut off Maine from the other States, and reduce her to subjection. In this point of view, the preservation of the navy yard and fortifications at Portsmouth is absolutely necessary. It should not be forgotten that both during the revolutionary war and the late war we were invaded from the Canadas. I hold it a sound principle in our system of national defence, that every port and every harbor which could give security to a hostile fleet, or constitute a post from which expeditions into the interior might be made, should be secured by ample and invulnerable defences. We should not permit war to be brought into the interior if it can be prevented.

The gentleman from Kentucky, [Mr. ALLAN,] who addressed the House several days since, takes it for granted that the standing army is to be greatly increased by adopting the system of defence proposed, and charges the President with inconsistency. To sustain this charge, the honorable gentleman read an extract from the President's first inaugural address, in these words: "Considering standing armies as dangerous to free Governments in time of peace, I shall not seek to enlarge our present establishment, nor disregard that salutary lesson of political experience, which teaches that the military should be held subordinate to the civil power." Here the gentleman stopped; when, if he had merely read on, in the same paragraph he would have found the President then had in view this very system of defence, which reads thus:

"The gradual increase of our navy, whose flag has displayed in distant climes our skill in navigation and our fame in arms, the preservation of our forts, arsenals, and dock yards, and the introduction of progressive improvement in the discipline and science of both branches of our military service, are so plainly prescribed by prudence, that I should be excused for omitting their mention sooner than enlarging on the importance."

The material objection of the honorable gentleman from Tennessee to this appropriation seems to be founded upon the assumption that we have already too many navy yards. He seems to think that two would be amply sufficient; and, in proof of this, refers to Great Britain, the greatest naval Power in the world, which, he says, has but two navy yards of any importance, while the United States has seven. In this opinion I differ entirely with the honorable gentleman. On a coast so extensive as ours, indented by so many bays, harbors, and inlets, accessible to a hostile fleet, it is all-important that our navy, charged with the defence of so extensive a coast, should, at every convenient point, have a place of refuge, in case of distress and pursuit by a superior fleet, and of course naval supplies in case of blockade. If there be but one navy yard, the whole force of an enemy could be concentrated in an attack upon it, and, if successful, would destroy all the material and supplies belonging to the whole navy; and thus, at one blow, destroy our naval supplies, cripple our naval operations, and lay open our whole coast to attack. If there be but two, the same consequences, to a proportionate extent, would result. If, however, our navy yards are extended at convenient and suitable points along the whole coast, the capture of one would not so seriously affect our naval operations, as there would be ample supplies at others. In addition to this, they would be more safe, because it is not reasonable to suppose that an enemy could with safety so divide his fleet and army as to attack all our navy yards at the same time; if he did, our navy and army would, by judicious management, be enabled to beat him in detail.

The honorable gentleman from Tennessee [Mr. BELL] contends that, upon a principle of economy, we should reduce the number of our navy yards, because he thinks the cost of construction, repairs, &c., is in proportion to the number we have, and that four will cost as much again as two. I do not concur with the honorable gentleman in this view. The proposition would be true if each navy yard was precisely of the same dimensions and constructed with the same material; but it is not to be presumed that the seven navy yards are each as large as the two would be, if there were but two; on the contrary, the extended system is calculated to reduce the dimensions; for each navy yard, in its construction, will have reference to the character of the harbor and the importance of the point, and would be constructed either on a large or contracted scale, as these facts might render expedient. Eight navy yards may not, in fact, cost more than two, depending entirely upon the scale of their construction. The argument deduced from the fact that England has but two important navy yards, is not conclusive, owing to the great dissimilarity in the situation of the two countries. England is surrounded by the ocean, has a territorial extent not much exceeding that of Virginia and Maryland, and is accessible but at few points, and has a coast not more than a third of ours in extent; hence there is no necessity for extending her navy yards to the same extent as ours. England has, in fact, seven navy yards of all descriptions; but either of the two referred to by the gentleman from Tennessee is larger than all ours put together. I decidedly believe our true policy is to construct navy yards, at convenient distances, at every suitable point, to secure supplies and protection to our navy in its operations on so extensive a coast as ours.

The War Department, in submitting a scheme of national defence, has properly submitted to the consideration of Congress a comprehensive plan, embracing all the important points which need fortifications, together with the supposed cost of improving, repairing, and completing existing and unfinished works, as well as such as are to be constructed hereafter. Having done so, with the reasons for each, it is the duty of Congress to determine which shall be constructed, and when all or either shall be commenced. The Department points out the works, and the necessity for them; Congress must determine which is to be undertaken now, and which hereafter. The Secretary does not insinuate that we are to undertake all at the same time; so that the administration is unjustly charged with seeking a sudden appropriation for every work proposed, so as to exhaust the surplus in the Treasury.

It being admitted by all that there are important for-

tifications in a state of dilapidation and ruin, and that there are many points without defence, which should be provided for, the only question seems to me to be, the time when this system is to be commenced. To this inquiry, reason and safety would seem to dictate but a single reply; and that is, now; now we are defenceless; now we are at peace with the whole world; now we have ample means; and I cannot see any good reason for postponing, unless we are disposed to await an unexpected war, and sacrifice much of blood and treasure, before we shall be prepared to meet it, as was done during the late war, for want of proper defences. It was a maxim of the Father of his Country, the great Washington, that "in peace prepare for war." The sentiment has been adopted and strongly recommended by President Jackson, and its wisdom conclusively demonstrated, not only by our own experience, but by that of every nation on earth. I cannot imagine to myself a more appropriate time, arising from the fact of our being in a state of profound peace, owing not a cent of national debt, and having ample means. Certain it is, we can never be in a better situation to commence and prosecute an efficient system of defence: by postponement we may be in a worse, but not in a better condition. Sir, I ask, shall the admonitions of wisdom from the great Washington be buried with him in the hallowed tomb of Mount Vernon? Wisdom, prudence, discretion, all say no. Then, sir, look at New Orleans, Pensacola, Charleston, Richmond, Petersburg, Norfolk, Washington, Baltimore, Philadelphia, New York, and Boston, all without sufficient defences, all exposed to the attacks of a hostile army--shall they be provided with defences? is the question.

The President of the United States, in his message to Congress of 23d February last, answering the proffered mediation of Great Britain, with a wisdom and patriotism which addresses itself to the confidence and approval of the American people, availed himself of the maxim of the beloved Father of his Country, and renews, in the most energetic manner, the admonition, in peace prepare for war. After speaking of the want of effective preparation in which a contest with France would have found us, he says: "From the nature of our institutions, the movements of the Government in preparation for hostilities must ever be too slow for the exigencies of unexpected war." In the concluding paragraph of the message he says: "If we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war." The honorable gentleman from Tennessee [Mr. Bell] seizes hold of these two paragraphs, and charges upon them inconsistency. He says, if the principle of the first paragraph be true, the recommendation of the latter cannot be true. With that deference which I feel for all the opinions of the honorable gentleman, I feel confident in the assertion, that the most fastidious criticism cannot torture the expressions into the slightest inconsistency. In the first paragraph, the President, speaking of the slow operations of our system, regards it as too slow to make ample preparation for sudden, unexpected war; a truth which severe experience has fully and lamentably taught us. To avoid this evil, to avoid the serious results of sudden, unexpected hostilities, and the consequent calamities attendant upon them, he urges on the nation the necessity of being always prepared to repel sudden aggression, or any other; he warns us against the effects of that lethargy incident to our institutions, of postponing our preparations for repelling aggression until the danger is upon us. The message is not only consistent, but wise and patriotic.

The honorable gentleman from Tennessee here, in very emphatic terms, inquired what was meant by the maxim, in peace prepare for war. Does it mean, said he, that preparation made by the monarchies of Europe, by a system of large standing armies and heavy taxation? To this I answer, no. Washington meant no such thing; nor does the President mean any such thing. Our system is opposed to standing armies: so was Washington, and so is the President opposed to them; they mean by the maxim, in peace prepare for war, the preparation of a well-organized and well-disciplined militia, and all the material of war, with suitable means of defence, so arranged that they may be brought into speedy action, in cases of emergency: such a system as Washington recommended, followed by Jefferson, Madison, and Monroe, and such as the President has now recommended. If I could suspect the President of favoring a large standing army, I would, without hesitation, not only abandon his administration, but would do my utmost to oppose it. But, sir, he means no such thing; he values liberty and our free institutions too highly; he has made too many sacrifices to preserve them.

The honorable gentleman from Tennessee, [Mr. Bell,] without indicating that most or all of the fortifications proposed are not necessary to our security, inquires whether this is the proper time, being on the eve of a presidential election, and whether we have such confidence in the ability and integrity of those who will have the disbursement of the appropriations as to justify us in making them. These are not the words, but I think the substance, of what the honorable gentleman said. As to the objection growing out of the fact that we are on the eve of a presidential election, I think it is not of much force; for if a system of national defence is postponed until the nation is clear of the agitation and excitement of a presidential election, we shall never commence the work; for so soon as one election is over, the agitation of another commences; and thus the subject is perpetually agitated, and would perpetually bar any action upon this subject. As to the question of confidence, I will only now say that I have sufficient confidence in the administration to confide to its care the disbursement of the funds necessary to be appropriated for all necessary works of defence; a confidence, I think, well justified by the experience of the past, as I shall hereafter be able to prove most satisfactorily when I come to reply to the gentleman's charges against them.

The honorable gentleman from South Carolina, [Mr. Thompson,] who so ably and so eloquently addressed the committee on this subject, made no particular objection to any item of appropriation recommended by the Committee of Ways and Means. He professed, and no doubt sincerely, a willingness and readiness to vote liberal appropriations for the purposes of national defence, but did not signify whether he approved all or either of the appropriations proposed, not even the one now under consideration. The objection was, that many of them were not recommended by the Departments having charge of the various branches of the public service; and that they were not based upon executive estimates, as they should be. The Executive has done all it could do; it has reported to you the true condition of the defences of the country and the navy; in its annual reports it has pointed out where defences are needed, and estimated the cost upon the best data within its reach; it has recommended improvements in the navy and navy yards, and estimated the costs: it remains for Congress to conform its action to those estimates, according as it may deem them accurate and necessary for the public service. All inquiries from the House or its committees have had as prompt answers as circumstances would permit. But I do not understand the reason why nothing can be done here without executive recommendation and executive estimates. I cannot perceive why this House, or a committee, may not act upon its own knowledge, without regard to executive recommendation or executive

estimates, when it perceives measures necessary for the public service. It is true the constitution requires the Executive, from time to time, to recommend such measures as it may deem necessary for the public good; but the constitution does not require Congress to limit its action to the measures recommended by the Executive, or to adopt them; Congress has no barrier to its action but the limits of the constitution; and it is the department principally charged with these duties, to which the country looks for wise and salutary legislation. Hitherto the Executive has been, according to some, too officious and intermeddling, taking too much responsibility; now, all responsibility is to be thrown upon the Executive, and gentlemen will not act upon some subjects without executive recommendation and executive estimates.

The debate, on the part of my friend from South Carolina, [Mr. THOMPSON,] was confined principally to a charge of inequality, favorable to the North, in the naval appropriation bill, by which to prove favoritism to the North and neglect of the South. In order to do this, the honorable gentleman has exhibited a table, showing proposed appropriations to the North, exceeding those proposed for the South by about $11,000,000. This table, taking the principle upon which the calculation is based, is true; but the principle is wrong, and the calculation, however accurate as to figures, is wrong in its results.

The honorable gentleman, in order to sustain the immense disparity which his table exhibits, has counted Virginia a Northern State, and classed the proposed expenditures upon the defences of the Chesapeake with appropriations for what he calls the favored Northern region. Virginia has hitherto been classed and considered a Southern State. Her defences must be considered Southern; they afford protection and defence not only to Virginia, but to Maryland and North Carolina, mainly to the latter, and they have been considered the most important on our whole maritime frontier. Virginia will not ask to be classed with the North or South: she is content with being Virginia, and that she will be. But, Mr. Chairman, when the South, if ever Heaven shall so order it, is beset with danger and with difficulty, the pride, the chivalry, the Southern feeling and high character of Virginia will be appealed to. I feel very confident my friend from South Carolina meant not the slightest reflection upon her. In the establishment of navy yards, if the Government is to be regulated by suitable positions, there is not one south of Virginia suited to the construction of vessels of the first class, for the want of harbors of sufficient depth of water; so that, in this point of view, all appropriations for this object have been properly made, although unequal in dollars and cents. Virginia must be classed a Southern State, and the appropriations for her defences Southern appropriations. Take the proposed appropriations from the amount stated by the gentleman, take also the pay and provisions of the officers and sailors, which cannot be considered in the light of local appropriations, and others of like character, and the disparity will be greatly reduced; yet, upon this point of appropriation the advantage is favorable to the North. But the reason of this disparity is obvious, and is accounted for without the slightest imputation of favoritism upon the Executive or either of the Departments. The inequality has been produced by nature. To the North there are numerous bays, rivers, and harbors, suited for navy yards, having naturally safe and sufficient depth of water: hence the navy yards have been principally established to the North. There, too, were our principal maritime towns which needed defences. All these Northern navy yards were established during the administration of Southern Presidents, and have been sanctioned by Southern representatives. I have not gone into the minute details of inequality of the gentleman from South Carolina, because they depend upon the leading points, and will be correct or not, as they are correct.

While, however, navy yards have been provided for to the North, the South has been provided for in fortifications; and, in this branch of public defence, the disparity of appropriation favorable to the South has heretofore been much greater than the disparity favorable to the North upon navy yards. The annexed table, exhibited by the honorable gentleman from Maine, [Mr. EVANS,] in his able discussion of this question, gives the number of fortifications erected since the foundation of the Government, and the expenditure on each, classed North and South by the Potomac river:

EXPENDITURES ON FORTIFICATIONS FROM 1812 TO 1835.

Works north of Potomac.

Repairs of, Fort Independence: preservation of Castle Island,	Mass.	1832	$54,594 70
Preservation of George's Island,	"	1825	65,283 10
Fort Warren,	"	1833	125,000 00
Fort Adams,	R. Island,	1824	960,000 00
Fort Lafayette,	N. York,	1812	318,305 00
Repairs of do.	"	1829	33,386 00
Fort Hamilton,	"	1824	481,000 00
Repairs of Fort Columbus and Castle William,	"	1831	175,000 00
Fort Schuyler,	"	1833	125,000 00
Fort Delaware,	Del. river,	1817	527,100 64
Rebuilding Fort Delaware,	"	1833	129,000 00
Fort Washington,	Maryland,	1816	454,103 00
			$3,447,772 44

Works south of Potomac.

Fort Monroe,	Virginia,	1817	$1,741,144 15
Fort Calhoun,	"	1818	1,391,573 40
Fort Macon,	N. Carolina,	1825	349,500 00
Fort Caswell,	"	"	412,734 00
Fort'ns Charleston harbor,	S. C.	1828	325,000 00
Fort Pulaski,	Georgia,	"	308,000 00
Repairs of Fort Marion,	Florida,	1833	20,000 00
Fort Pickens, Pensacola,	"	1828	627,000 00
Fort on Foster's Bank,	"	1833	75,000 00
Fort on Dauphin Island,	Alabama,	"	245,999 15
Fort Morgan,	"	1819	1,026,777 00
Fort Pike,	Louisiana,	"	314,597 25
Fort Wood,	"	1822	378,642 00
Fort Jackson,	"	"	659,500 00
Battery at Bayou Bienvenu,	"	1826	96,447 10
Tower at Bayou Dupre,	"	1829	16,667 41
Fort Livingston, Grand Terre,	"	1833	75,000 00
			$8,043,591 46
			3,447,772 44
			$4,595,819 02

It will be seen that there have been expended South $8,043,591 46, and North $3,447,772 44, leaving a balance in favor of the South of $4,595,819 02; and here the gentleman from Maine drops the calculation. In the appropriations now proposed for repairs and improvements of navy yards there is a balance in favor of the North of $369,125. Upon all the works finished, under construction, not finished, and proposed, the expenditure will be, North $18,000,425, South $16,530,054, leaving a balance in favor of the North of $1,470,371. This disparity, however, is the result of circumstances which cannot be controlled, and of which we cannot complain. But the true point upon which we have good cause of complaint is, the unconstitutional appropriation for works of internal improvement, and the tyrannical and unequal operation of the tariff laws. In works of

internal improvement, the honorable gentleman from Maine [Mr. Evans] admits that the advantage is greatly in favor of the North, but charges the inequality upon the refusal of the Southern States to receive appropriations for such objects. This is true, sir; true to the letter; Virginia has always regarded these appropriations as unauthorized by the constitution, and has refused the beneficence of the Federal Government founded in violation of that sacred compact. She has acted upon that principle of integrity upon which an honest man will refuse to receive stolen goods. She will neither touch, taste, nor handle, the unclean thing. She will not listen to the argument addressed to her cupidity, that the States, believing the Federal Government has this power under the constitution, are receiving, yearly, large appropriations. She regards her integrity with unyielding pertinacity, and will not surrender it to considerations of avarice or cupidity. She will not sell her integrity at any price. Her motto is, to do right, let others do wrong who will. I do not doubt that gentlemen of the North honestly believe that the Federal Government has this power; yet I think they should have some respect to the opinions of so many Southern States, and not be willing to clutch all they can get by a strained construction of the powers of the constitution, although they may believe the doctrine sound.

Mr. Chairman, our Yankee friends understand how to manage these moneyed affairs better than we do. They always have had, and I fear always will have, the advantage of the South in this particular; they know how fastidious Southern statesmen are in their construction of the powers of the constitution, and very generally throw out some constitutional question for our discussion, and, in its heat and excitement, carry some scheme of appropriation without attracting notice. I heard of a very sagacious Northern man who, upon a certain occasion, said that when an appropriation was to be carried which might excite opposition from the South, the right plan was to give the Southerners a constitutional question for debate; and that, while that was debating, the appropriation could be carried. I think the history of our legislation proves very clearly the success with which this stratagem has been practised.

Mr. Chairman, the framers of the constitution never contemplated that, in authorizing appropriations for the common defence, they were incorporating a principle of equality in dollars and cents, and that when so many dollars were expended in one State, so many were to be expended in another, whether needed or not. The object was to defend the whole; and the only question in making appropriations is, where are defences needed? In our extended territory Nature herself has created the inequalities of which the honorable gentleman complains. There are more assailable points in one section than another, which must be provided with defences; and hence this natural inequality necessarily produces inequality of expenditure. The only true principle is to provide defences for every point, North or South, wherever needed, without regard to any other consideration.

But my honorable friend from South Carolina [Mr. Thompson] complains that, under this administration, the interests of the South, particularly in its defences, have been grossly neglected; and, in order to account for it, refers to the location of the present members of the cabinet. He says the Secretaries of the Treasury, of War, and of the Navy, are all from this favored region, (the North,) and only the Secretary of State from the South. The Secretaries of the Treasury and of the Navy are from the North, but the Secretary of War is from a Northwestern Territory, (Michigan.) But, even taking all three from the North, upon the principle of population and commerce, the inequality does not exist; for, in addition to the Secretary of State, the chief executive officer, (the President)—he who is charged with the whole executive power, and controls all executive officers—is a Southern man. So that I think there is, on this ground, little cause of complaint. But, Mr. Chairman, what I principally complain of in this part of the honorable gentleman's argument is its tendency to create sectional feelings, sectional jealousies, and sectional dislikes. I know the gentleman intended no such effect. I only speak of the tendency of his argument, however honestly felt or designed. So long as parties exist in name, extended over every quarter of the Union, the integrity of the Union is not hazarded; but it was against parties separated by geographical lines, by sectional divisions, that the paternal and warning voice of Washington was raised, early in our history, and against which the effort of every patriot has been, and will ever be, directed. Whenever the geographical line shall be distinctly drawn, and the parties shall be known as a Northern and Southern party, then, indeed, there will be an array of party which will ultimately sever the Union, dissolve us into our original fragments, destroy our free institutions, and produce that state of anarchy, war, bloodshed, and despotism, against which all our sages and patriots have struggled, and to prevent which the Union was formed.

I think there is no just ground to charge the Government with neglecting the interests or defences of either Charleston or Pensacola, (for there seems to be no complaint elsewhere.) There is proposed for Charleston $———; there have been surveys and inquiries set afloat, as to the practicability of constructing at Charleston a navy yard; and there is now a proposition depending for that object before Congress, under the patronage of its own representative, founded upon the information communicated and recommended by the Executive. For this appropriation I am prepared to vote. The appropriations recommended for Pensacola, by the Navy Department, are contained in the following letter, addressed to me by the Department, containing also the course pursued by the Department on that subject:

Navy Department, *February* 12, 1836.

Sir: In answer to your letter requesting my views as to the expediency of constructing a dry dock, and of deepening the channel over the bar at Pensacola, and requesting any information in this Department necessary to a correct decision on this subject, I have the honor to state that the Secretary of the Navy, in his report of the 30th November, 1833, brought this subject before Congress, by recommending the continuance of Pensacola as a naval station; and submitting a report from Captain Dallas, on the means and expense of deepening a channel through that bar, and a memoir and estimate on the improvement of that bar, by Captain W. H. Chase, of the engineer corps, (to be found in the first volume of Executive Documents of H. R., 1st session, 23d Congress, No. 1, page 263.)

Captain Chase calculated the expense of adding three feet to the depth of the channel over the bar at $106,690. The various items of expense are given in detail in his estimate. Captain Dallas, however, is of opinion that the channel over the bar should be made six feet lower than at present, and adds $40,000 to the estimate of Captain Chase, making the whole expense amount to $146,690, for deepening the channel six feet, and giving a depth of water over the bar of from twenty-nine and a half to thirty feet, which will be amply sufficient for our vessels of the largest class.

These gentlemen are very capable of making the observations and estimates which they have submitted, and there is no reason to doubt the accuracy of their calculations; and I have no hesitation in expressing my opin-

ion that the great importance of Pensacola, as a naval station, would justify the expenditure of the sum estimated for the object stated.

Annexed to my last annual report will be found estimates for buildings of different kinds at the Pensacola navy yard, to the amount of $64,000; for building a powder magazine near the yard, $17,000. In addition to which, there are the following estimates for Pensacola:

For wharves and appendages - -	$150,000
Hydraulic dock - - -	125,000

Making the whole of the estimates of Pensacola for the year 1836, $356,000. If to this we add $146,690, deemed necessary, as before stated, for deepening the bar, it will amount in the whole to $502,690.

It is believed that for this sum the harbor of Pensacola may be rendered a safe and commodious station for the purposes of our navy, and a convenient place for building and repairing our vessels of war.

The construction of a dry dock, such as we have at Norfolk and Boston, and such as it is proposed to build at New York, and which would cost nearly a million of dollars, cannot be considered as necessary at Pensacola, until the channel over the bar shall be deepened, even if it should be deemed expedient to build a fourth dry dock upon the largest scale. In the mean time, a hydraulic dock, such as is now in successful operation at New York, and which it is believed may be constructed in the course of a year, and at the expense mentioned in the estimate, would be highly useful, as this kind of dry dock answers perfectly well for all vessels under the size of a frigate.

The estimate of $150,000 for wharves and appendages is made without the knowledge necessary for an accurate detailed statement of the items of expense. It is hoped, however, that, in the course of a few months, a careful examination may be had of this station by competent officers, whose report upon the same will afford all the information wanted; but it is confidently believed that the full amount estimated will be required for the objects stated. I am not aware that there is any information in this Department upon the subject of your letter which has not been communicated to the House of Representatives.

I am, very respectfully, your obedient servant,

M. DICKERSON.

HON. L. JARVIS,
Chairman Naval Committee, House of Reps.

So there is $502,690, instead of $342,000, estimated by the gentleman from South Carolina. (The gentleman from South Carolina here tells me that the additional estimate was not in the annual report, and had not been laid before Congress until after he delivered his speech. The chairman of the Committee of Ways and Means states that it was in, and laid on each member's table, long before.) I have no doubt that both gentlemen are right in their recollection, and that the additional estimate had escaped the attention of my friend from South Carolina. I only use the fact to prove that the Department had not, from considerations of favoritism, or any other, neglected its duty to the South; for in relation to both these points, of Charleston and Pensacola, the Executive has been employing all the means placed in its hands by Congress, in ascertaining the practicability of constructing navy yards at both these points, and has, in several annual reports, strongly recommended them to the consideration of Congress. Here, Mr. Chairman, I must correct a misapprehension of the gentleman from Tennessee, [Mr. BELL.] He says that the late Secretary of the Navy (now the Secretary of the Treasury) made a tour of inspection to the South, with a view of informing himself as to the necessity and practicability of establishing, particularly at Pensacola, an extensive navy yard; and that, after his return, he had not heard of any recommendation from him favorable to it. It is true that the Secretary did make such a tour, but the gentleman is entirely mistaken as to the fact that he made no favorable report. The Secretary not only made a report favorable to the scheme, but strongly urged its adoption on Congress. I refer to the document, from the Navy Department, accompanying the President's annual message of December, 1833.

In addition to these facts in the recommendation and estimates of works of defence, $5,000,000 are recommended to be appropriated to the defences of Florida alone.

Our navy yards were located and constructed before the purchase of Florida; and no new one, except at Pensacola, I believe, has been constructed since. Upon the whole of this branch of the subject, I would ask, if this inequality exists, how is it that it has been produced by Southern statesmen? Thirty-nine out of forty-seven years Southern men have administered the executive department of the Government—some of them always in the cabinet. A distinguished son of South Carolina administered the War Department for eight years, who did much to recommend the system of defence now proposed to the favorable consideration of the nation. Why is it that so much of neglect to the South has marked the administration of Southern men? Why is it that Southern representatives have neglected to present the claims of the South upon Congress? When and where was it that appropriations for defences have been asked and refused to the South, which were not in like manner asked and refused to the North? This charge of neglect, Mr. Chairman, if true, lies at the door of Southern men, and I leave them to answer it. The table of appropriation for defences, heretofore referred to, I think, clearly proves that the South has had her full share of the protection of the Government.

I come now, Mr. Chairman, to consider the objections which have been urged to the system of national defence now under consideration, and which are apart from the intrinsic merits of the subject itself; and,

1. It is objected that, if the proposed system is carried into execution, it will largely increase the peace establishment of the army. The establishment of these defences will not require the addition of a single company to the present army establishment. An estimate has been made of the force necessary to be employed in keeping and preserving the fortifications, if all proposed shall be constructed, which will be about 3,180 men. An estimate of the inspector general makes the force necessary about ———; so that, from either statement, no addition on account of these works will be necessary. If any addition shall be found necessary to our army, it will grow out of the concentration of so many restless Indian tribes on the Missouri and Arkansas frontiers, who can bring into the field twenty thousand warriors, and the civil war raging between Mexico and Texas, demanding a force on the Texan frontier of sufficient strength to enforce our neutrality and preserve our peace.

2. It is urged by the gentleman from Kentucky [Mr. ALLAN] and the gentleman from South Carolina [Mr. THOMPSON] that the adoption of this system will prevent the distribution of the public lands and the surplus revenue. This objection involves the consideration of two very serious and important questions, in both their aspects of constitutionality and expediency; each of them, in all its bearings, affording subject-matter of sufficient magnitude for a long argument. I do not design, upon the present occasion, to do more than glance at them. If I were to do otherwise, I should unnecessarily detain the committee, as both these subjects will be open for discussion when they come up directly for consideration.

The bill for the distribution of the public lands originated in the Senate, under the patronage of a distinguished Senator from Kentucky, [Mr. CLAY.] It proposes, in substance, a distribution of the proceeds of the public lands among all the States, according to the ratio of representation, for purposes of "internal improvement" and "education." All the public lands east of the Mississippi were ceded to the United States by the several States, mostly by Virginia. The cession by Virginia was an act of magnanimity, generosity, liberality, and devotion to liberty, unparalleled in the annals of history. She stripped herself of dominion, power, and wealth, for the sake of liberty and the security of free institutions. This cession embraced the now great and flourishing States of Ohio, Indiana, and Illinois, and the Territory of Michigan. In the act of cession, however, she entered into certain stipulations with the Government, for the disposition and proceeds of these lands; the fulfilment of which she has a right to demand, and will insist upon. The Virginia deed of cession was executed on the 1st of March, 1784, and contains the following condition:

"That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatever."

When it is recollected that this cession was made previous to the adoption of the constitution, that it was made when the confederacy owed a heavy debt incurred during the revolutionary war, and that this debt, as well as the current expenses of the Federal Government, was made, not by a system of taxation, but by direct requisitions upon the State Governments in fixed proportions, the manifest intention of the condition which I have read cannot be mistaken or misunderstood. It was intended as a common fund, to pay a common debt, incurred in a common cause; and when that should be done, to lessen the requisitions upon the States for the annual support of the Federal Government. The sales of these lands were intended to supply the revenue which would otherwise have to be raised by taxation.

The adoption of the constitution did not discharge the obligations of the condition in the act of cession, or authorize the diversion of the proceeds of the public lands to any other purpose whatever than that specified. The clause of the constitution giving power to the Federal Government to regulate and dispose of the public domain reads thus: "The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States, and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular State." If this clause of the constitution could, without the reservation, have been construed into an abandonment of the condition in the act of cession, the reservation retains the force of the obligations in its full effect, so that the obligation cannot be avoided without a flagrant breach of faith. In the proposed plan of distribution, fifteen per cent. is allowed to the new States, over and above what would be their equal proportion upon the plan of equal distribution—the result of which is, that Virginia would lose $410,104; all the old States would lose $4,096,346. The annexed table exhibits the whole operation.

Statement showing the dividend of each State (according to its federal population) of the proceeds of the public lands, during the years 1833, '4, and '5, after deducting from the amount 15 per cent. previously allowed to the seven new States.

States.	Federal population.	Share for each State under the proposed bill.	Total to new States.
Maine	$399,437	$617,269	
N. Hampshire	269,326	416,202	
Massachusetts	610,408	934,293	
Rhode Island	97,194	150,198	
Connecticut	297,665	459,996	
Vermont	280,657	433,713	
New York	1,918,553	2,964,834	
New Jersey	319,922	494,391	
Pennsylvania	1,348,072	2,083,233	
Delaware	75,432	116,508	
Maryland	405,843	627,169	
Virginia	1,023,503	1,581,669	
North Carolina	639,747	988,632	
South Carolina	455,025	701,495	
Georgia	429,811	664,208	
Kentucky	621,832	960,947	
Tennessee	625,263	966,249	
Ohio	935,884	1,446,266	$1,677,110
Louisiana	171,694	265,327	957,888
Indiana	343,031	530,102	999,677
Illinois	157,147	242,846	751,606
Missouri	130,419	201,542	1,000,896
Mississippi	110,358	170,541	1,583,944
Alabama	262,508	405,666	1,072,606

States.	Equal share to which each State is entitled.	Loss to States having less than their share.	Gain to States having more than their share.
Maine	$777,318	$160,099	
N. Hampshire	524,117	107,915	
Massachusetts	1,187,875	244,582	
Rhode Island	189,226	39,028	
Connecticut	579,266	119,270	
Vermont	546,168	112,455	
New York	3,733,574	768,740	
New Jersey	622,495	128,104	
Pennsylvania	2,623,395	540,162	
Delaware	155,176	38,668	
Maryland	789,784	160,615	
Virginia	1,991,773	410,014	
North Carolina	1,244,970	256,338	
South Carolina	885,495	184,000	
Georgia	836,419	172,211	
Kentucky	1,210,123	249,176	
Tennessee	1,216,876	250,627	
Ohio	1,821,262	144,152	
Louisiana	334,122	–	$424,766
Indiana	667,550	–	332,127
Illinois	305,813	–	445,793
Missouri	252,816	–	748,080
Mississippi	214,760	–	1,369,184
Alabama	535,999	–	536,607

NOTE.—The last three columns of figures are added.

This inequality, in express violation of the compact, and of every principle of justice in relation to any of the public lands, is, in my humble opinion, fatal to the pretensions of the Senate's bill, if either justice or good faith is to prevail.

Another palpable inequality in regard to all the Southern States, and especially Virginia, is covertly couched in the provision of the Senate's bill which directs the distribution according to what is called federal numbers. The constitutional compromise allowing the slaveholding States only three fifths of the slave population in the estimate adjusting the representative ratio among the States, I will not complain of. It may have been right to give this preference to free over slave labor, in estimating the moral worth and adjusting the weight to be given to the suffrages of different sections of the Union. But when the question becomes one of money, of a division of the proceeds of the public domain, a very different consideration should enter into the calculation. It is known that slave labor is not so productive as free labor; it is the inevitable consequence, that the population, and strength, and wealth, of the Southern States, suffer a relative diminution in regard to the other States, from this very cause. Is it not monstrous, then, that, while slave labor tends to this result, making the wants of the Southern States greater and their means less than their more opulent and powerful neighbors, an argument should be drawn from it to give them two fifths less of the proceeds drawn from the public domain, in right of their laboring population, than the Northern States would obtain in virtue of the same class within their limits? And how much more outrageous is this scale of distribution, whereby almost two thirds of the income of the public lands would be monopolized by the North, when it is considered that almost the whole of the great domain was generously relinquished by Virginia, for the common benefit of the whole Union? In the proposed division, although she gave up all, she would get but half the portion of New York, that gave up nothing.

In addition to this objection, I regard the proposed scheme as at war with the principles of the constitution, unless, indeed, the worn-out and long ago refuted federal doctrine, that the "general welfare" phrase in the constitution confers in itself an independent power, unrestricted and uncontrolled by the defined limited powers of the instrument, is to be exercised in the sound discretion of Congress—a discretion which the constitution was designed to restrict and control. The constitution authorizes Congress to raise revenue for national purposes only; for common defence and general welfare. It was never designed to make the Federal Government the grand reservoir of bounties and largesses to the separate States, or to individuals; nor was this system of distribution ever designed to be placed in the hands of the Federal Government. It is certainly not to be found in the express grant of powers; but is, if to be found at all, by inference or implication.

This bill limits the appropriation by the States to purposes of internal improvement and public education. This is a direct appropriation of the means of the Federal Government to works of internal improvement of a local character, and public education, reserving to the States only the right to determine to what subjects the appropriation shall be made. The public lands are public property, and, when sold, the proceeds become public money. I cannot perceive in the constitution a distinction between public money derived from duties on foreign importations, direct taxation, or the sales of public lands; nor do I perceive that the constitution gives any authority to apply the public money derived from the one source to subjects which it prohibits to the other; the powers granted may be exercised by the appropriation of money drawn from either source; so the powers restricted cannot be exercised by the employment of public funds derived either from the one source or the other. The restriction was to prevent Congress from exercising the forbidden powers, without regard to the source from whence the means were to be derived. It was not intended to authorize Congress to act upon these subjects at all. Among the subjects over which Congress has no power, (in my opinion,) are the subjects of internal improvement and public education in the States. If they have not, then this bill is unconstitutional, appropriating the public money to purposes over which the Federal Government has no power. I know that there is much diversity of opinion upon this subject. I only speak my own views and those of my State.

The distribution of the surplus revenue among the States is a scheme introduced into the Senate, under the patronage of an able and distinguished Senator from South Carolina. It proposes an amendment of the constitution, so as to authorize the distribution of the surplus revenue until 1842, the time fixed for the expiration of the tariff law, as regulated by what is familiarly called the compromise bill, regulating the tariff until that time. This bill does not propose any restriction upon the States as to the application of their respective portions, and is not susceptible of all the objections to its constitutionality as the "land bill." It only involves the question of the power of distribution itself. Yet, sir, the author of this bill, for whose discriminating and sagacious mind I have the highest respect, introduced it into the Senate, and it will come before this House, admitting the want of constitutional power in this Government, and seeking to supply the want of power by amendment of the constitution. Now, sir, if there is no power to distribute the public money in the constitution, where is the power to distribute the public lands? Nowhere, sir, unless it can be proved that there is more danger in authorizing this Government to use money derived from duties or direct taxation, than from public lands. I humbly believe the danger is the same from either source; the principle is wrong, and cannot be made right, because of the source from which the money comes.

The tendency of this system of distribution, if once introduced, will be dangerous in the extreme. Yes, sir, in its operation it will destroy the sovereignty and respectability of the States; it will demoralize and corrupt the people. The States, instead of relying upon their own energy and enterprise, and their own resources, will have their eyes turned to this great centre of attraction, the Federal Government, as the source of all their wealth and prosperity; every session of Congress will exhibit the sickening and disgusting scene of the representatives of the several States scrambling for their portions, each returning home saying to his constituents, see what the Government has done for you. The State Legislatures will be scuffling to find subjects to which to apply the bounty of the Federal Government. Sir, it has been said that "money is power." It is true, fatal experience proves it to be true. In addition, then, to the power of the "purse" and "the sword," now in the hands of this Government, give it this power of enlarging its influence by authorizing another theatre for its employment, and I would not give a fig for your liberties. The watchfulness and vigilance of the States over the action of this Government will be lulled into a fatal confidence and security; they will no longer stand upon the battlements of liberty, and sound the alarm against approaching danger, but the sentinels will sleep upon their watches, and the enemy enter the citadel by stealth.

The people will no longer watch the action of the Federal Government with their accustomed jealousy and vigilance; the deformities of the federal action, and its gradual approaches to despotism, will be unperceived amidst the glare and splendor of its munificence and

bounty. Sir, interest is the mainspring of human action, and no scheme could be better devised to operate upon it than these distribution schemes. They are at war, vitally at war, with that frugality, simplicity, and poverty, which it was designed should attach to the Federal Government; they destroy the very foundation upon which the safety and durability of our institutions was based. I do not attribute to the authors of these bills any such designs—far from it; but I must confess I should view their adoption as the sure precursors of consolidation and ultimate despotism. I hope my fears may be unfounded. I confess, however, they will be seriously awakened if these schemes succeed. If they be adopted, it is easy to perceive that it paves the way for another high tariff system, and an unlimited system of internal improvement; for, sir, when the people shall be told of excessive taxation by tariff, they will be told it is immaterial; what they pay in taxes they get back in the distribution; and thus they will be deluded into a fatal security and indifference to the exercise of the taxing power. The people, sir, the hard-working taxpayers, will never get back any part of the taxes they pay. The indirect manner of its collection conceals from them its onerous burdens. I am not willing, Mr. Chairman, to see the States coming in humble supplication, asking, at the hands of this Government, their due portions of its bounty and its munificence. I wish to see the States, in their own domestic concerns, looking to their own energies and their own resources, forbidding the slightest control over or interference with them by the Federal Government; above all, I wish to avoid a moneyed dependence.

There is another principle involved in the latter scheme, to which I am utterly opposed, as being of dangerous tendency. I have learned, sir, to venerate the constitution as a system of fundamental law, framed and adopted upon the most mature and deliberate investigation; an instrument intended to be as enduring as time, and not to be altered upon slight and trivial occasions. Amendments should only be made to introduce permanent fundamental principles, which the severest test of experience has demonstrated to be salutary and necessary. If it be approached and amended upon slight and trivial occasions, or for temporary purposes, it will lose all that veneration and respect necessary to its perpetuity and faithful observance. It will occupy no higher grade than legislative enactments, and be repealed, altered, or amended, upon the most slight and trifling occasions, and be subject to all the disadvantages of excessive, precipitate, and capricious legislation. This amendment, if adopted, is to last five or six years, and then die. Sir, upon the same principle, other temporary amendments may be introduced, until finally we shall have a new constitution, subverting all the principles of the old; for it is not to be doubted that these temporary amendments will finally become permanent principles. I cannot, sir, upon any view I have been able to take of this subject, bring myself to vote for either of these schemes, or for any scheme of giving away the public lands. So dangerous do I regard them, that I would prefer resigning my seat here to sustaining them by my votes.

The honorable gentleman from Kentucky [Mr. ALLAN] claims these schemes of distribution as matter of right, and strongly declaims against the expenditure of the public money upon the seaboard, to the exclusion of the West. Sir, in the system of defence proposed, does it not occur to the gentleman that the defence of our maritime frontier is the defence of the West? Can the West be endangered, sir, by a foreign invasion, while the Atlantic States successfully resist the invaders? Are not the Atlantic and Gulf towns the channel of transportation for all the exports of the West? Certainly, sir, the gentleman, when he reflects upon this subject, will not, for he cannot, reasonably complain.

I do not intend here, Mr. Chairman, to inquire who has or who has not recommended this scheme of distribution. I am well aware that the present President, as did Mr. Jefferson during his administration, made some undefined suggestions for the distribution of the surplus revenue which might remain in the Treasury under certain contingencies; yet both were mere suggestions, acknowledging the difficulties attending it, both as regards constitutional power and corrupt tendency, and were never earnestly pressed. The present President, in most emphatic terms, deprecated the idea that the scheme, if adopted, should be so unrestricted as to introduce into the practice of the Government the habit of creating a surplus revenue for the purpose of distribution. It is matter of no concern with me who does or does not maintain opinions favorable to this scheme. I decide for myself; I speak my own opinion upon this subject; and I believe the effect of this measure, if adopted, will be to produce that state of things so deprecated by the President—the creation of a surplus revenue for the purpose of distribution. I therefore oppose it, and would do so, even if it were sanctioned by the high authority of Andrew Jackson. In the view which I have taken of the dangerous tendency of this proposed plan of distribution, I am strongly fortified by the opinions of the honorable gentleman who is the reputed author of the scheme now under discussion. In a speech delivered by him in the other branch of this body, on the removal of the deposites, he said: "There is another aspect in which this subject may be viewed. We all remember how early the question of the surplus revenue began to agitate the country. At a very early period, a Senator from New Jersey [Mr. Dickerson] presented his scheme for disposing of it by distributing it among the States. The first message of the President recommended a similar project, which was followed up by a movement on the part of the Legislature of New York, and, I believe, some of the other States. The public attention was aroused—the scheme scrutinized, its gross unconstitutionality and injustice, and its dangerous tendency, its tendency to absorb the power and existence of the States, were clearly perceived and denounced. The denunciation was too deep to be resisted, and the scheme was abandoned."

This strong and forcible paragraph imbodies every objection which I have urged to the scheme, and is in itself sufficient, in my humble apprehension, to defeat this dangerous measure.

The honorable gentleman from Tennessee, [Mr. BELL,] in assigning the reasons which have induced him to abandon "the party" now sustaining the administration, charges, 1st. That the administration came into power upon the profession of one set of principles, and practises upon another. 2d. That the administration has been grossly derelict in its duty in recommending proper measures and providing for the defence of the country. 3d. That its practices are prodigal and corrupt, in the employment and disbursement of the public funds used in dispensing the patronage of the Government. And, 4th. That it has attempted to delude the people, and produce public excitement upon subjects which they recommended, and never intended to carry out into practice. Before, however, I proceed to answer these charges, I propose to ascertain the true point of responsibility, if they be found true. The honorable gentleman from Tennessee says he attaches but a slight degree of responsibility to the President, for the practices and neglect which he charges upon the administration; but holds his lieutenants, as he calls them, responsible, and thinks the Vice President himself should be held somewhat responsible; that he ought, to some extent, to examine into the practices

of the Government, and correct abuses. I do not, Mr. Chairman, concur with the honorable gentleman in his views upon the subject. I hold the President himself responsible for all and every abuse of executive neglect of duty or abuse of power. The constitution charges him with the whole executive duty; he appoints to office and removes at his will; if abuses exist, the constitution has placed in his hands the corrective power; and if he fails, whenever he has knowledge of abuse, to apply the corrective, I hold him responsible to the country. I will not separate between the President and executive officers, because all his duties consist in controlling their action and correcting their malepractices. It is here abuses may sometimes exist for a time without his detection; but when he does detect them, it is his duty to correct; and if he fails, he is deeply responsible. But upon what principle the Vice President is to be held responsible, I confess, I cannot discern. He is charged by the constitution simply with the duty of presiding over the deliberations of the Senate; he can neither appoint nor remove an executive officer, nor can he constitutionally do a single executive act, unless he is charged with the duties of the office of President, by the death, removal, or resignation, or disability, of the President. Sir, the Vice President is upon no principle responsible for any abuses of the Government, however glaring or corrupt, for the simple reason that he has no constitutional power to correct them. It is obvious, however, that he is to be held responsible by his opponents with a view to affect him in the coming presidential election.

I come now, Mr. Chairman, to consider the charges of the honorable gentleman from Tennessee against the administration. In doing so, I shall attempt to defend the administration by fact and reason. I shall not employ opprobrious party epithets, or impeach the motives of any man upon this floor. Conscious of the integrity of my own opinions, I shall extend to others, with whom I differ, as much credit for integrity of opinion as I claim for myself. Knowing, as I do, the fallibility of the human mind, and its proneness to err, and being unwilling to claim to myself infallibility, if facts and reason cannot be found to sustain my opinions, I am sure denunciation will not. The first charge which I propose to consider is, that the administration came into power professing one set of principles, and that it practises upon another. The first specification made by the gentleman from Tennessee which I shall discuss is the subject of "internal improvement." He charges that the present administration came into power professing opposition to this system, and in practice had expended more money than in the same period of any pre-existing administration. First, then, sir, as to the professsion, and then the practice. And here I might rest the defence of the administration against this charge, by simply quoting from the speech of the gentleman from Kentucky [Mr. ALLAN] the charge that the President came into power favoring the system of internal improvements, while his practice has overthrown it. This gentleman read an extract from a letter from the President to the Governor of Indiana, in which the President refers to his votes as a member of the Senate upon this subject, and asserts his opinions to be unaltered. This letter, the gentleman from Kentucky says, deluded the West into the support of the President. He says: "This letter, throughout the West, was considered as removing every doubt, and the vote of that country was given upon the faith of the positive pledge it contained." The gentleman sarcastically says that this pledge was redeemed by the veto of the Maysville road bill, and the veto of the bill for the benefit of the Louisville canal, in the latter of which the President expressed this sound and orthodox opinion: "Positive experience, and a more thorough consideration of the subject, have convinced me [the President] of the impropriety as well as inexpediency of such investments." After the gentleman had spoken of the shock and disappointment which the Maysville and Louisville canal had produced in the West, and their tendency to weaken the ties which bind together representative and constituent, and denying the right of a representative to change his pledged opinion, he says: "But it was necessary to break the shock which this disappointment caused in the West."

This purpose was accomplished, says the gentleman, in the message of 1829. Sir, this is certainly a most singular state of things. The force of the shock and disappointment created by the Maysville veto message of May, 1830, in the West, is broken by the annual message of December, 1829. Most singular: the force of a shock which took place in May, 1830, is broken by a message delivered about six months before! I leave the gentleman to make the best of this argument he can; for it is, I admit, greatly beyond my comprehension. In addition to this testimony, I will offer that of Mr. Clay, who pronounced, I think in 1834, the death of his favorite system of internal improvement, under the blow given it by the Maysville veto. Every member knows the particular solicitude with which that gentleman watched over this favorite system; and that, from his public or private relations with the President, he would not be disposed to do him more than justice; yet, as late as 1834, he pronounced the system crushed beneath the power of the veto. Now, sir, this gentleman, or the gentleman from Tennessee, is mistaken. But, sir, as to the professed principles of the President upon this subject, when he came into office, independent of this testimony, I think I shall be able satisfactorily to prove that the President, in the administration of the Government, has been consistent with himself, in profession and practice, in relation to this subject. The Maysville veto was the first occasion upon which the President made a particular avowal of his opinions upon this all-important question of constitutional power, in which he denies the right of this Government to construct works of internal improvement within the boundaries of a State, or to appropriate money in aid of such works, by subscriptions for stock or otherwise. He avows, also, the opinion that this Government has the power to appropriate money for removing obstacles from and improving the navigable rivers within the limits of a State, or where it is the boundary between States, and for constructing works of improvement in the Territories; in all of which he distinguishes between works of a national and those of a mere local character. The President, however, in the veto message, expresses himself doubtfully of what is the true boundary line within which the Government may appropriate money, and recommends such an amendment of the constitution as will place the exercise of this important power upon its true ground, defining the line over which the Government shall not go, and putting to rest forever this vexed question. The President repeated, in each of his succeeding messages, the difficulty under which he labored, and the recommendation of a constitutional amendment, to relieve the Executive from the difficulty. This recommendation of his, merely to define by constitutional declaration this power, has not been responded to by the representatives of the people, and the responsibility for its failure rests upon them.

It cannot be forgotten that the Maysville veto was hailed with enthusiastic delight by the opponents of this power, as cutting off the whole system of local improvements within the limits of the States, and though not achieving the whole, yet achieving much, very much, for the principle of strict construction. All the public journals so regarded it, and this was the view which

was taken by the whole nation. This, sir, is the principle which the administration professed; and I contend that in all the appropriations for works of internal improvement, none have been constructed of a local character, incompatible with the principles avowed in the Maysville veto and subsequent messages. If there is one, sir, it has escaped my memory, and I should like to know it, for I wish to know the truth.

[Mr. Wise rose and said, that understanding his honorable colleague [Mr. Garland] to inquire or to ask for a specification of any act of approbation by the Executive of the principle of internal improvement since his veto of the Maysville road bill, he would, with his colleague's permission, specify a single instance during the last Congress.

Mr. Garland gave way, and Mr. Wise proceeded to state that during the last Congress there was a bill of appropriation for the construction of certain harbors on the lakes, in the States of New York and Ohio. That when that bill came up for consideration, his colleague [Mr. Mercer] moved to amend it, by adding an item of thirty thousand dollars, or thereabout, for surveys for works of internal improvement. This sum has been for several years annually appropriated for internal improvement, and had ever been considered the foundation of the whole system. It was the nucleus, the nest egg, of works of internal improvement; for without previous surveys no works whatever could be constructed. It involved the whole principle of the system, without limitation, without the refined distinction ever involved in the word "national." So viewed, when this amendment was offered to this harbor bill, a few strict constructionists from the South, of whom I was one, determined to make one more effort to resist the principle of internal improvement, and to strike a blow at the very foundation of the system. Accordingly, when the bill came up, several gentlemen and myself appealed to the gentlemen of "the party," particularly from New York, to aid us in resisting this amendment of my colleague, [Mr. Mercer.] My honorable colleague, [Mr. Archer,] when the amendment was offered, called for the yeas and nays, and, to our gratification, it was rejected by the votes of "the party" from New York, united with the strict constructionists of the South. We congratulated ourselves upon the triumph; and I remember well that I was cordially congratulated by several gentlemen from New York upon the evidence which they had then given us that they were with the South on the question of internal improvements. I relied upon their evidences and their smiles, but was doomed to disappointment, and, in turn, to defeat. My colleague [Mr. Mercer] and the national republicans, as they are called generally, seeing the manner in which their favorite appropriation for surveys had been defeated, turned around and united with the strict constructionists in voting against the harbors of New York and Ohio. Thus we, in fact, defeated the whole bill; but the rejection lasted only twenty-four hours, for the moment "the party" of New York saw their harbors fail, they forgot they were against the principles of internal improvement, which they admitted, and all admit, is involved in the appropriation for surveys, came in the next day, moved a reconsideration of the vote rejecting the amendment of my colleague—it was moved by Mr. Beardsley, of New York. The amendment, then, was passed by their votes. The vote rejecting the harbors was then reconsidered; the bill containing surveys and harbors was passed; and the President of the United States signed and sanctioned the act, with all its features of internal improvement, in every form.]

Mr. Garland resumed. I do not doubt at all the truth of the statement of my honorable friend from Virginia. I know he would make no intentional misstatement; nor is it material to my argument to vindicate or defend the course of members on this floor, who may act inconsistently with themselves: that is their own business, with which I have no concern, and with which I shall not meddle; but I do not think the $30,000, referred to by my colleague, at all conflicts with the truth of the assertion; for there is nothing in it, nor has there been any practice under it, incompatible with the principles of the Maysville veto. The first appropriation for plans and surveys was made on the 30th of April, 1824, and is in these words: "*Be it enacted, &c.*, That the President of the United States is hereby authorized to cause the necessary surveys, plans, and estimates, to be made of the routes of such roads and canals as he may deem of national importance in a commercial or military point of view, or necessary for the transportation of the public mail; designating, in the case of each canal, what points may be made capable of sloop navigation," &c.; in which the surveys to be made are to be for works of "national importance;" and in its execution restricted to such works as are of national importance in a commercial or military point of view, or necessary for the transportation of the public mail. The first appropriation for this object during this administration is in these words: "For defraying the expenses incidental to making examinations and surveys for national works under the act of the 30th April, 1824, &c., thirty thousand dollars."—Act of May 31, 1830, in which the appropriation directly refers to the surveys, &c., contemplated by the act of 1824, and only incorporates the principles of that act. Every appropriation since is in the same language, and is made to procure the surveys, plans, &c., contemplated by the act of 1824; and is expressly restricted to the objects named in that act. Whatever, then, is wrong in the annual appropriation referred to by my friend from Virginia, is to be traced to the act of 1824, for which the republican administration of Mr. Monroe is responsible. In that act, the distinction is taken between local and national works, and is the distinction taken in the Maysville veto, and running throughout the messages of President Jackson. I admit, sir, for I never will disguise truth for any consideration, that this annual appropriation of 30,000 dollars contains within it a principle of internal improvement, not an unrestricted and unlimited principle, such as was claimed by the preceding administration, but a restricted principle, restricted to national works, the very principle of the veto. Yet, sir, I am free to confess that this principle is broader than my own notion of constitutional power, and incompatible with the strict doctrine of the Virginia school upon this subject. I disagree with the President as to the power which he asserts over rivers within a State, or where the jurisdiction of two States extends over it. I am not attempting to prove that the doctrines of the President are entirely in accordance with the Virginia doctrines upon this subject; I know they are not, and he never pretended that they were. I am only contending that he is consistent with himself in principle and practice in relation to this subject; and in this practice he has done much, very much, to restore the practice of the Government to the true constitutional standard, for which he has my sincere thanks.

To prove that the practices of the administration in the expenditure of the annual appropriation for surveys, &c., before referred to, have been in accordance with the principles of the veto, I here read an extract from the report of the able and intelligent head of the topographical department, charged with the duty of making surveys, &c., upon the principle upon which this fund is expended, and proving that not one cent has been expended upon local works. "The rules (says the report) which have been prescribed for the office in these matters are as follows: that—

"1. Surveys ordered by law, and for which there are generally specific appropriations, should be attended to.

"2. Surveys ordered by resolutions of Congress. The expenses of these are paid out of the annual appropriation for surveys, including the pay of civil engineers, which is taken out of the same appropriation.

"3. Surveys of a national or highly interesting commercial character, applied for by States or incorporated companies. In these cases, such officers as can be spared (with their instruments) are allowed to be assigned. All other expenses, including those for additional engineers or additional instruments, are supplied by the parties interested in the survey, the United States being subjected to no charge on these accounts; or, in other words, confining the aid from the United States to the mere loan of such engineers and of such instruments as can be conveniently spared."

Here, then, is proof that the manner in which this annual appropriation is disbursed is compatible with the strictest letter of the Maysville veto. I ask, then, what survey has been made in conflict with it? [Mr. MERCER said "that, as his colleague had called for a case, he would give the survey for a ship canal around the Niagara falls."]

It is true, the survey of the canal designated by my honorable colleague [Mr. MERCER] was made by the topographical department, but not one cent of the expense was paid out of the public money; it was paid for by private subscription. My colleague also designates Mars Hill road, in the State of Maine, as a local work, at war with the principles of the Maysville veto. This, sir, is a military road, constructed from a military post on the Maine and Canada frontier into the interior of Maine, by which supplies are transported to that post, and is the only road by which they can be transported. This being a military road, and necessary to military operation, connected with a military post, is certainly constitutional. I think the cases singled out are not at all at war with the professed principles of the President, and that I have succeeded in proving that his practices upon this subject are in strict conformity with his professed principles.

The charge of prodigal and excessive expenditures upon works of internal improvement by this administration, when impartially and thoroughly examined, will be found unsustainable. The whole amount expended is $4,930,176 92, excluding the expenditures of the year 1829; for the expenditures of 1829 were the result of appropriations made in the preceding administration. There must also be deducted the whole expenditure upon the Cumberland road, amounting to $2,600,511. This road was authorized and commenced in Mr. Jefferson's administration, has been the subject of appropriations by every succeeding administration, and could not, with propriety, be vetoed by the President, as the whole work, so far as completed, would have been lost. The acts I regard unconstitutional, although sanctioned by the high authority of Mr. Jefferson, and shall vote against any further appropriation for it. The President, in his Maysville veto, expressly disapprobates the original law; yet he avowed his determination not to arrest works commenced by his predecessors. From this amount is also to be deducted $388,200 93 for expenditures upon works authorized and commenced by preceding administrations, leaving the nett sum of $1,941,434 56 expended by authority of the present administration, and for which it is alone responsible. This expenditure, moderate when compared with the amount charged upon the administration by its opponents, has been expended principally in the improvement of bays, harbors, and navigable rivers, for the accommodation of foreign and domestic commerce, and for the improvement of the Territories, which are entirely dependent upon the Government. View this subject, then, in its true light, and all will admit that, in relation to it, gross injustice has been done to this administration. In its course there is much to approve, but little to disapprove.

But if the amount of expenditure upon objects of internal improvement has elicited so much alarm, I ask how much is the country indebted to the firmness of the President in arresting the many local and extravagant schemes which were proposed, and about to be proposed, when the Maysville veto was presented? It is said there were in bills and reports, in both Houses, in the session preceding the Maysville veto, schemes of a general and local character which would have cost the Government upwards of $100,000,000. [Mr. MERCER interposed, and said that "the statement was not true; that he had before pronounced it false; that all the bills and schemes reported by the committees would not have cost one fifth of that sum."]

I make the statement, Mr. Chairman, upon the authority of the President's message of December, 1834, which I now have before me. Whether the President or my colleague is mistaken, I shall not here stop to determine; it is matter of calculation. The reports and bills are here, and will speak for themselves, and correct any error of calculation in relation to them. Whether the error be with my colleague or the President, it is immaterial now for me to determine, for, in either case, a very prodigal and excessive expenditure has been prevented. This is not all upon the same authority; it is stated that there were petitions and memorials for works of internal improvement, which were estimated at about $100,000,000 more. If this be so, and I do not doubt it, I ask if the country does not owe a heavy debt of gratitude to the present administration for the achievement of so much of principle and of economy? I leave the impartial to decide upon this subject. Whatever blame there is must rest upon Congress, as the annexed table shows what has been estimated by the administation for purposes of internal improvement, and what has been appropriated by Congress.

	Estimate.	Appropriation.
1831	$639,216 59	$1,035,494 44
1832	1,018,811 23	1,280,006 75
1833	1,011,983 30	1,090,953 30
1834	1,523,871 00	1,777,757 36
	$4,193,882 12	$5,194,111 85
		4,193,882 12
Excess over executive estimates		$1,000.229 73

The increase of works necessarily increased estimates for their continuance.

The next subject of complaint in support of the charge that this administration has not practised upon its professed principles, is, the extravagance and prodigality of its expenditures. Determining the truth of this charge, it is necessary to determine the true signification and meaning of the word economy; whether the principle of economy is to be determined by the necessity, propriety, and value of the subject upon which an expenditure is made, or whether it is to be determined by the mere amount of dollars and cents expended. I contend, and I think no gentleman will contradict it, that the true principle of economy must be determined by the necessity, propriety, and value, of the subject of expenditure; for one thousand dollars may be lavishly and prodigally thrown away, while millions may be usefully and economically expended upon subjects of great importance and value to the nation. If this be the true standard to test the economy of the administration, it will, all circumstances considered, bear a safe comparison with any preceding administration. It is true it exhibits more in amount, except during the late war; yet, when the sub-

jects upon which the excess of expenditure has been made are taken into the account, its reasonableness and propriety are made manifest, and every suspicion of prodigality dissipated. The following table presents a comparative view of the expenditures of this administration with the two preceding. It exhibits the aggregate of the ordinary and usual expenditures, as also of the extraordinary, and such as will not be permanently incorporated into the annual expenditures of the Government.

Expenditures of the United States from 1821 to 1828, inclusive - -		$180,404,885 42
Whereof there was paid on account of the public debt]	$83,617,986 34	
For lands relinquished under Indian treaties	1,362,723 26	
For pensions—revolutionary and other -	10,062,702 76	
For internal improvements, including surveys of ports and harbors, roads, breakwaters, and canals -	1,401,645 79	
For the Cumberland road and continuation - -	643,171 72	
For claims and awards under treaties with foreign Powers -	6,186,827 94	
For balances due to States - -	762,963 93	
For building custom-houses and light-houses - -	630,645 70	
For the relief of individuals—revolutionary and other private claims - -	1,267,460 99	
		105,936,128 43
Payments on account of the ordinary expenses of Government - -		$74,468,756 81
Expenditures of the United States from 1829 to 1835, inclusive, and including the estimated expenditure of 1836		$203,871,956 96
Whereof there was paid on account of the debt -	$65,532,594 36	
For lands relinquished under Indian treaties	4,881,272 23	
For pensions—revolutionary and other -	16,370,687 59	
For internal improvements, including surveys, ports and harbors, breakwaters and canals - -	6,543,196 35	
For Cumberland road and continuation -	3,546,137 32	
For awards, &c., under treaties with foreign Powers - -	1,207,446 75	
Balances due to States	2,700,311 35	
For building custom-houses and light-houses - -	1,167,147 45	
For relief of individuals, revolutionary and other private claims - -	1,493,513 59	
For duties on wines and merchandise refunded - -	$813,596 02	
For the discharge of sundry judgments against the U. S. -	301,113 53	
	104,557,016 54	
For extraordinary expenditures, per estimate for 1836:		
Debt - - -	$50,000 00	
Pensions - -	1,915,455 00	
Indian treaties -	366,810 00	
Internal improvements, &c. - -	977,721 87	
Cumberland road -	500,000 00	
Amount of extra expenditures in the estimate of the War Department - -	1,518,063 00	
Do. do. for the Navy Department -	5,208,751 75	
	10,636,811 62	
Total - - -		$115,193,828 16
Payments on account of the ordinary expenses of the Government -		$88,678,128 80
Amount of expenditures for ordinary purposes from 1829 to 1836, inclusive - - - - -		$88,678,128 80
Ditto from 1821 to 1828, inclusive -		74,468,756 81
Difference - -		$14,209,371 99
Which is accounted for as follows:		
By the excess of expenditures from 1829 to 1836, (including the estimates of 1836,) over those from 1821 to 1828:		
On account of the Legislature - -	$1,616,899 85	
Judiciary - -	837,742 79	
Army proper and fortifications - -	6,000,648 36	
Navy* - - -	4,757,993 31	
Survey of public lands	95,205 50	
Mint, new buildings, &c.	548,415 02	
Territories - -	223,216 53	
All other expenses, including increase on account of the management of the public lands, the General Post Office, intercourse with foreign nations, &c. - -	130,250 63	
Difference, as above - -		$14,209,371 99
Balance of appropriations for internal improvements on the 31st December, 1828 - - - -		$1,368,007 64
Balance on account of the Cumberland road - - - -		342,601 64
The expenditure in 1833 over that of 1832, exclusive of payment on account of the debt, was - -		$6,197,369 34

* Exclusive of extraordinary expenditures estimated for 1836.

Arising from payments on account of—		
Revolutionary payments	$3,404,731 00	
Indian treaties	903,511 24	
Duties refunded	701,760 70	
Awards under the treaty with Denmark	663,161 04	
Purchasing the right to the Washington Canal Company, and other expenses in the District	303,202 00	
		$5,976,365 98

The aggregate expenditure of Mr. Adams's administration was $50,501,913 21. The first four years of this administration, $56,270,480 62; excess, $5,768,567 41. This excess of expenditure, by this administration, for the first four years, over the preceding four years, is to be principally found under two heads—miscellaneous and military; in the miscellaneous, embracing a large number of private claims to an amount never before allowed; the excess of expenditure in this over Mr. Adams's administration is $2,798,081 98; and in the appropriations for the military department, embracing pensions, Indian annuities, purchase of Indian lands, and various Indian appropriations, the excess is $4,316,190 92, making, in both branches, an excess of $7,114,271 83; from which take the balance before stated of $5,769,567 41, leaves a balance of ordinary expenditures of $1,344,704 42 in favor of this administration; but from this must be deducted $1,000,000 paid by Mr. Adams's administration towards the treaty of Ghent, leaving the nett balance of $344,702 42; and this, too, under the circumstances of increased population, largely increased commerce, and increased foreign relations. I challenge, under these two heads of appropriation, to be shown a single improper, injudicious, or prodigal item of appropriation. These calculations are made exclusive of the public debt. The annexed table presents a comparative view of the expenditures of this administration, embracing the estimates for the current year, in comparison with the eight preceding years, inclusive and exclusive of the public debt, showing in what way the expenditures of this administration have been increased, either in its ordinary expenditures or on extraordinary objects. I invite particular scrutiny, and feel no doubt that it will remove from the administration the slightest imputation of prodigality. The items of increase are such as have been sanctioned by Congress, and such as the country, with some few exceptions, will generally approve.

[Mr. BELL said he did not charge that the general expenditures of this administration exceeded those of the late administration. His charge was, that those branches of the public expenditures which were most liable to suspicion and abuse, and which depended upon the discretion of the officers, had increased under this administration.]

I am gratified that the honorable gentleman so explains, and it relieves me from the necessity of saying much more upon this subject.

But if, upon the most fastidious principles of economy, the charge of extravagance can be sustained, it is not chargeable upon the executive administration, but upon Congress. As a proof, I here exhibit a table showing the estimate made and recommended by the Executive, and the appropriations made by Congress, embracing the years 1831, 1832, 1833, 1834, and 1835, in which it will be seen that the appropriations made by Congress exceed the estimates of the Executive by fifteen millions four hundred and eighteen thousand four hundred ninety-five dollars and three cents.

Executive estimates and appropriations by Congress.

	Estimates.	Appropriations.
1831	$11,852,911 09	$13,588,681 39
1832	12,864,099 38	18,397,751 82
1833	17,995,581 17	22,695,782 65
1834	18,057,488 73	20,968,992 49
1835	17,183,541 52	17,720,908 57
	77,953,621 89	93,372,116 92
		77,953,621 89
	Excess	$15,418,495 03

Upon what principle, I would ask, can the administration be held responsible for the prodigal appropriation by Congress? Upon none that I can perceive. Congress is particularly charged by the constitution with appropriations of the public money. The administration does not elect the Representatives, but the people do it, and it is for the people, sustaining the principles of the administration, to elect such Representatives as will sustain and carry out those principles which they demand at the hands of the administration, or it is impossible the administration can effect its wishes. Somehow or other, upon some subjects, the friends of the administration have never been united, and have thus thwarted the efforts of the Executive to carry out some of its valuable and important principles. The President cannot, with reasonable propriety, veto money bills within the constitutional power of the Government; hence the responsibility for the failure of the administration to reduce the expenditures of the Government, to a great extent, rests with the people themselves. The cure of the evil is alone in their hands. In 1833, from the increase of the pension list, the Indian war, purchases of Indian lands, and various other causes, the expenditure of the Government greatly increased, but in 1834 diminished about 4,000,000 dollars; also, in 1835, about 1,000,000 dollars, as will be seen from the annexed table:

Comparative expenditure of 1833 *and* 1834.

1. CIVIL LIST.

The expenses under this head were about $500,000 greater in 1834 than in 1833. The following items will show the sources of most of their increase:

During the long session of Congress of 1834, the pay of the members more than the short session of 1833 amounted to	$300,000
Increased expenses of printing and contingencies, from length of session,	60,000
Increased expenditures in judiciary department,	40,000
Expenditures occasioned by burning Treasury building, rent, &c., and some other small items,	13,000
	$413,000

2. MISCELLANEOUS EXPENDITURES.

Under this head the expenses were about a million lower in 1834 than in 1833. The following items show the principal differences. The balance between the two columns indicates its amount:

	Amt. of decrease.	*Amt. of excess.*
Roads in 1834 less than in 1833,	$150,000	
Various objects connected with District of Columbia, such as the Potomac bridge,	50,000	
Aqueduct, canal, &c.	200,000	
Pennsylvania avenue,	50,000	

Duties refunded,	$600,000	
Building custom-houses,	150,000	
Ditto light-houses,	35,000	
Virginia claims,	130,000	
Cumberland road		$100,000
Custom-house offices,		60,000
Payment for property lost in war with Black Hawk,		400,000
Surveys of public lands,		23,000
Individual claims allowed by special acts of Congress,		120,000
Expenses of mint,		50,000
	1,365,000	753,000
	753,000	
	$612,000	

To which sum should be added about $400,000, being the amount of a great variety of small items either reduced or discontinued.

3. Military Establishment.

Under this head the expenses were about three millions less in 1834 than in 1833. The following items show the composition of this sum:

Less amount paid to individual States on account of their expenditure during the late war,		$400,000
Less for roads in Territories, &c.		100,000
Less expended on fortifications from suspension of Rip Raps, &c.		500,000
Less paid militia and volunteers, there being no Indian war,		400,000
Less paid in effecting Indian treaties,		1,120,000
Less paid in pensions,		1,200,000
More paid in annuities to Indians,	$300,000	
More paid for barracks and store-houses,	100,000	
New mounted regiment of dragoons,	84,000	
	484,000	3,720,000
		484,000
		$3,236,000

4. Navy.

In 1834 the expenditures in this branch of the public service were about $200,000 greater than in 1833. This increase was principally occasioned by the rebuilding and repairs of vessels, and the addition made by law to the pay of officers during a part of the year.

5. Payments on account of Foreign Intercourse,

Were about $600,000 less in 1834 than in the preceding year, that sum having been paid in 1833, under awards in the treaty with Denmark. Besides this item, the expenditure was about $50,000 less.

Recapitulation.

Amount of excess in civil list,	$500,000	
Diminution of miscellaneous,		$1,000,000
" military establishment,		3,236,000
Increase of navy,	200,000	
Diminution of foreign intercourse, about		700,000
	700,000	4,936,000
		700,000
Beside debt. Diminution in 1834 below 1833,		$4,236,000

Expenses of 1835.

The general expenditures of 1835 are very similar to those of 1834. But from the session of Congress being a short one, and there being no appropriations for the fortifications, the payments under these heads were of course much less, and the aggregate expenditures of the year lower by over half a million.

Expenses hereafter.

The annual expenditure for ordinary purposes might be brought down to fourteen millions, were the expenses of all connected with the military establishment placed on the footing of ten or twelve years ago; the miscellaneous expenditures restricted as at that period, and the naval, civil, and miscellaneous appropriations not greatly enlarged.

The increased expense from miscellaneous appropriations since that period averages per annum, about	$1,000,000
Increased expense from pension arrearages, about	3,500,000
Increased expense from Indian treaties and annuities,	1,000,000
	$5,500,000

Which is about a million over the average excess beyond previous years.

The annual expenditures from 1817 to 1821, without including expense of public debt, averaged per annum, about	$15,000,000
Similar average from 1821 to 1825, about,	12,000,000
" " " 1825 to 1829, "	12,000,000
" " " 1829 to 1833, "	14,000,000
1833, "	22,700,000
1834, "	18,500,000
1835, less than	18,000,000

The details in the foregoing statement may, from the number of selections forming them, not be altogether correct; the general results are deemed correct.

The next fact upon which the honorable gentleman from Tennessee bases his charge of the corrupt tendency of the practices of the Government, is the connexion of the Government with the public press. The gentleman says that the Government has an annual fund of $30,000 at its disposal, for the purpose of being employed in the publication of the laws, Government proposals, &c.; and that, with this fund, the Government subsidizes the press, makes it subservient to its views, and thus controls public opinion. It is true, Mr. Chairman, that the Government has this fund appropriated to it annually by Congress, at its command, which is employed in paying for the publication of the laws, proposals for carrying the mails, supplies for the army and navy, &c.; but this, sir, is a work of necessity, and cannot be dispensed with. The Government must either use the columns of existing newspapers, or employ a press of its own; the laws must be disseminated, as well as proposals for contracts; and there is no means by which it can be so extensively and successfully done, and, indeed, there is no other practicable mode in which it can be done, except through the medium of the press. The Government, then, must of necessity employ the public press. If the sum appropriated be too large, Congress has the power, and should reduce it; if not, then there is no cause of complaint. In making the selection, it is but natural to expect, if there be rival presses at the point selected, that the Executive would select the press, all other circumstances being equal, which is friendly to it. This is a feeling attached to human nature which does not die with incumbents in office; it is a feeling which should be approved rather than reprobated, for all of every party act upon the principle of preferring a friend to an enemy. I do not approve of a change merely for opinion's sake, without any other cause; but it is making a very small allowance indeed for the infirmities of human nature, to suppose that the

Government would or ought to continue its patronage of a press in the constant habit of traducing and vilifying its administration. This is requiring the Government to do what no man here would do. I deny, however, *toto cælo*, that the administration has employed any press, in which the laws and proposals are published, to vilify and abuse any man. I deny that it is in any wise responsible for the editorial or other articles in such papers. The editors are free —they conduct their papers in their own way, and are individually responsible.

The honorable gentleman charges that a copy of what he calls the semi-official paper in this city was sent to each of the members of the Legislatures of Tennessee and Alabama, during the last fall, franked by the President, in which was contained an article copied from another journal, of a very offensive character to Judge White; and this he charges as an abuse of the patronage of the press. I do not believe that the President saw or knew of that article, when he franked the papers alluded to. He had a far different and more important object in view; one which was and ought to be very near his heart. The papers franked contained the speech of Mr. Benton in the Senate of the United States, upon the resolution to expunge from the journal of that body (whether properly or not, I shall not here undertake to discuss) its resolution charging the President with violating the laws and the constitution in the removal of the public deposites from the Bank of the United States—a resolution as unauthorized by the constitution as it was defamatory to the character of the President. The President was deeply solicitous that the imputation stamped upon his character for an act which had been decisively sustained by an overwhelming majority of the American people, contained in the Senate's resolution, should be obliterated or expunged from the journal by a decisive mark of reprobation. For this purpose he appealed to the people of his own State, that people for whom he had done so much, for whom he had made so many sacrifices, and with whose character their own was so intimately identified. This, sir, induced the frank of the papers referred to; and I am sure none will blame the President for feeling some interest in the vindication of his character against the foul imputation stamped upon it, for an act which will in future time be regarded as the most brilliant event of his eventful administration. This, sir, was his object, and his only object; and he could not have appealed with as much propriety to any other people as to that people, the people of Tennessee, to whom he was so strongly attached, with whom he had lived, and among whom he expected to die. If the President has either openly or covertly used his influence with the press, for the purpose of vilifying and abusing any man, if any member of his administration has done it, I have yet to learn the fact; but it does not follow that because presses are employed by the Government to do the public printing, the Government authorizes or is responsible for every thing that is inserted in the columns of their papers. It is to be expected that the administration would feel some interest in the vindication of its measures, and against the antagonist principles of the one, and the misrepresentation of the other. But, sir, I deny that the press has been purchased; for it is a fact notorious that the majority of the American press is opposed to this administration. It is reasonable and proper, then, that it should prefer presses sustaining it. I would ask the honorable gentleman if he holds the candidate whom he supports in the coming election responsible for all that is said in the presses that are sustaining his election? If he does, will he hold him responsible for this article of the Richmond Whig? "Judge White elected, (if elected at all,) by the votes of the whigs, he will naturally and necessarily select his counsellors from their ranks, and modify his measures according to their views." As also this article from the Charleston Mercury: "If (says the Mercury) Judge White should be elected, the Union party would be dead and buried. The nullifiers would not only have the ascendency at home, but in the Federal Government to boot." Again, it says: "They (the Union party) would be dead politically, both at home and at Washington; and not only this, but while their party and their principles would be whisked to the winds, the principles of the States rights party, under a man like White, would spread and prosper, and become substantially the principles of the federal administration." Upon the principle that an administration is held responsible for all that is said in the presses supporting it, Judge White would be held responsible for the articles cited, avowing that his administration would overthrow the Union party and its principles.

Again: Is the Judge to be held responsible for all that has been said by the presses sustaining his pretensions, to the prejudice of his opponent, the Vice President? If so, I would invite a comparison between the presses sustaining each, and it will be found that the abuse and vilification of Judge White has been trifling, compared with the volumes of slander and abuse poured out upon the head of the Vice President. Sir, this state of things grows out of the freedom of the press. It cannot be controlled. I admit that the press has become greatly licentious, showing too little respect to individual feeling and private reputation. It is to be deplored, yet it cannot be avoided, unless it be shackled. To this I never could consent, for I would much prefer enduring its licentiousness than shackle its freedom. The freedom of the press, freedom once shackled, and liberty is gone. Then, sir, what cannot be avoided must be endured: it is the price we pay for liberty. There is but one mode of correcting the evil, and that is, by the patrons of the press withholding their patronage from licentious presses. I do not intend to discriminate. The presses on both sides are in fault. I can only say, in relation to my humble self, that, when the press condescends to notice me, I trust it will do it in tender mercy, for I shall never have the folly to undertake a war with it.

In relation to the present public printer, I can only say that he was elected by Congress; and, as has been truly said, by a party vote. Those who oppose the present incumbents are proprietors of presses, and each had a distinct party vote; and the only reason why neither was elected is, the party to which they were attached was not strong enough. The party vote which elected the present incumbents, is cited as proof of party organization; yet, sir, the direct party vote to the other candidates is proof that there was no party organization: a singular conclusion, certainly. If the election proved party organization, it proved it in relation to all parties.

I think, by recurring to the elections of public printer, it will be found, from the foundation of the Government, that the conductor of a public journal has been selected; and since parties have assumed a distinct character, the editor elected has always been attached to the dominant party. It is generally one of the tests of strength of party; it is one of the results of our system of Government, and cannot well be avoided; the public printing is done at fixed rates, and may from time to time be reduced. So much for what has been charged as the corrupt practices of the Government; for it is all based upon the fact, that papers sustaining the administration have been employed to do the public printing. I would gladly aid in restricting any improper interference, by presses doing the public work, with elections, if it could be done consistently with the high principles of liberty involved in the freedom of the press. But, sir, I cannot consent to disfranchise the whole class of editors, because, in common with their fellow-citizens, they use

the freedom of the press and of speech. It would not be just; it would be incompatible with every principle of liberty and our free institutions. I confess I do not see very clearly how it could be done; but if the public service could be disconnected with the public press, I would aid all in my power to accomplish it; but it seems very impracticable, however plausible in theory.

I will now consider the charge of neglect in the executive department, in providing for the defences of the country. In making this charge, the honorable gentleman from Tennessee has called to the attention of the committee the deplorable state of the defences of the country, and almost entire destitution of arms and munitions of war, and charges this state of things upon the War Department.

[Mr. Bell said he made no attacks, nor intended to make none, upon the War Department in particular. My attack was upon the party, upon those who were responsible for the action of the Government, in both the executive and legislative departments.]

I was aware that the honorable gentleman did not exclusively implicate the War Department; yet, sir, he charged upon that Department great neglect. It is my purpose now to vindicate the Department itself. I will say something hereafter as to the majority. There presides over that Department, Mr. Chairman, a man whose genius, enterprise, energy, and activity, are not surpassed by any of his predecessors. Order, skill, energy, integrity, and activity, prevail in the administration of that Department, in all its ramifications; and I assert, without the fear of successful contradiction, that all the means which have been placed in its power have been promptly and judiciously employed in placing the defences of the country in an imposing and safe condition. Beyond the means afforded by Congress, that Department could not go. It is known that nearly all the fortifications constructed during the late war, owing to the haste with which they were constructed, and the bad materials employed, are, and have been for years, in a state of rapid decay; yet, sir, what are the means which have been appropriated for their repair, the annexed table will show:

Statement of the estimates for repairs and contingencies of fortifications, and the amounts appropriated for the same object, from the year 1821 *to* 1835, *inclusive.*

Years.	Estimates.	Appropriations.
For the service of 1821	$20,000 00	$20,000 00
Do. do. 1822	20,000 00	20,000 00
Do. do. 1823	23,000 00	26,000 00
Do. do. 1824	26,000 00	26,000 00
Do. do. 1825	8,320 50	8,320 50
Do. do. 1826	15,000 00	15,000 00
Do. do. 1827	15,000 00	15,000 00
Do. do. 1828	15,000 00	15,000 00
Do. do. 1829	15,000 00	15,000 00
Do. do. 1830	15,000 00	10,000 00
Do. do. 1831	15,000 00	10,000 00
Do. do. 1832	15,000 00	10,000 00
Do. do. 1833	15,000 00	10,000 00
Do. do. 1834	10,000 00	10,000 00
Do. do. 1835	10,000 00	
	237,320 50	210,320 50

These sums are totally inadequate; yet it will be perceived that the last year, 1834, and several preceding, only ten thousand dollars were appropriated to this object; that, for four successive years, commencing with 1830, the Department asked fifteen thousand dollars, and Congress appropriated ten thousand dollars only. In 1835 nothing was appropriated. This accounts for the state of dilapidation in which many of our fortifications are found.

In the annual report from the Secretary of War of November 30, 1829, the necessity of hastening the preparations for the armament of the fortifications was stated, and additional appropriations were asked therefor.

Extract from the annual report of the Secretary of War, dated November 30, 1829.

"A reference to the report of the chief of the ordnance will show the particular details of operation in that branch of the service; it merits attention. It has been frequently observed that the best way to avoid war is to be in preparation. In this point of view, it is desirable that the appropriations to be made for clothing our fortifications should correspond with the probable periods of their completion. It would, indeed, be a mortifying result, if, after the labor and cost which have been encountered for their completion, it should rest in the power of an enemy, at the onset of war, to seize or destroy them, because the means had not been placed in readiness for their defence.

"From the report it will be perceived that, at the present annual rate of appropriation, to wit, one hundred thousand dollars, sixteen or twenty years will have passed before a proper supply of arms for those fortifications now in progress can be obtained for their defence. As regards this subject, the course most advisable to be pursued would be, that the armament preparation should progress correspondently with the works themselves; not that they should be mounted, and, by exposure to the weather, become decayed and useless, but that, the guns being at their positions and the carriages in readiness on the apprehension of war, suitable preparations for resistance might at all defensible points appear, meeting the objects for which those fortifications were designed, and yielding protection to the assailable parts of the Union. If, in the slow and gradual preparation for a necessary and adequate armament at present pursued, sixteen years shall be found requisite, and war within that period take place, a consequence would be that some of our forts, built up at great expense, would be destroyed, because incapable of self-defence; or else, by being retained and armed, be used by the enemy as annoyance and injury to ourselves. A measure involving such important considerations should not be protracted in its execution; it carries with it, in foreboding anticipation, too much of probable evil consequence. This subject derives additional interest from the consideration that guns and carriages require time in preparation; they are things that cannot be hastily arranged, and which to defer might prove prejudicial.

"At the different arsenals and magazines an abundant supply of powder is in store. Considering its liability to injury, rather than keep up the supply, it would be preferable to procure the materials of which it is composed, ready to be manufactured when circumstances shall make it necessary. These articles are now remarkably cheap, and are easily preserved from deterioration. Recollection retains the fact that, during the last war, the average price of saltpetre was about forty cents, and brimstone eight. Involved in another contest, the same state of things might be presented, while at present those articles can be procured at one eighth the price which, of necessity, had then to be given.

"Being susceptible of ready procuration, it would prove a matter of economy to forbear any future purchase of powder, contenting ourselves merely with obtaining an adequate supply of ingredients, whenever it could be procured at fair prices. The materials thus

preserved and in readiness could, at short notice, be manufactured, whenever occasion should make it necessary."

In the annual report from the Secretary of War, of December 1, 1830, the subject was again renewed, and the propriety of an additional appropriation again pressed.

Extract from the annual report of the Secretary of War of the 1st December, 1830.

"The ordnance department is progressing as rapidly as the means afforded will permit in arming the militia of the States, and in preparing the necessary guns and carriages for garnishing the different fortresses of the country. It is worthy of consideration whether the appropriation applicable to this service should not be increased, so as to provide a suitable armament by the time the different fortifications along the coast shall be completed. For the forts which are finished, a million of dollars will be necessary; but, besides these, others are in progress, and will shortly be completed. With the annual appropriation of one hundred thousand dollars towards this purpose, it will require ten years to accomplish the object for those which are in readiness. Should we be blessed with peace, no injury will arise; but should war take place, the effects upon our country would be of a serious and prejudicial character."

In the annual report from the Secretary of War, of November 21, 1831, this subject was again brought before Congress, and all the necessary details connected with the supply of cannon on hand, and of the number wanted, were given; and the propriety of establishing a national foundry, with a view of providing the necessary armament, was suggested and recommended.

Extract from the annual report of the Secretary of War, dated November 21, 1831.

"There are now 623 cannon, of various calibers, for field service; and there are at the arsenals and in the old fortifications 1,165. But these cannon are all of antiquated patterns, and, with the exception of the six pounders, amounting to 344, and a few of the heavier pieces, are considered unserviceable. There have been procured for the armament of the new fortifications 1,214 cannon of the improved pattern.

The old fortifications will require, probably,	646
The new, already completed,	2,587
Those contemplated by the board of engineers, a part of which are now constructing,	4,045
Besides these, proper field trains, deposited in different sections of the Union, and sufficiently large to meet probable contingencies, may be estimated at	850

The average cost of our cannon is $5 94 per hundred pounds, which gives the following prices for those of different calibers:

For 42 pounders,		$520
32	do.	450
24	do.	330
18	do.	245
12	do.	150
6	do.	70

It is estimated that an iron cannon will not safely bear more than 1,200 discharges with the service charge, after which it should be broken up.

The United States have no armories for the fabrication of cannon. The practice for some years has been to make contracts with the owners of the four foundries at Richmond, Georgetown, Pittsburg, and West Point, to the amount of the annual appropriation, allowing about an equal proportion to each, and paying such prices as the ordnance department, on the best information, judge reasonable.

This procedure has been repeatedly stated in the annual reports to Congress, together with the reasons which led to it. These are founded in the capital and experience required to conduct this business; in the necessity of depending, in some degree, upon the integrity and character of the manufacturers, as there may be defects in the piece not easily discoverable, owing to the necessity of mixing together iron of different qualities; and, in the belief that, if a general competition for these supplies were excited, the existing establishments would be broken down, and others endeavor to take their places, which would either fail from similar causes, or furnish cannon unfit for service, and thus leave the Government, at some critical period, without the means of procuring this indispensable arm of defence. The provisions of the act of Congress of March 3d, 1809, seem, however, to present serious objections to this course; and I bring the subject before you, at this time, that it may be fully considered.

It appears to me that a public armory for the fabrication of cannon is required by obvious considerations. By forming such an establishment, the necessary experience and artisans would be provided, and such supplies of heavy ordnance manufactured as the Government might direct. The actual value of the article would be ascertained, and contracts with individuals could be formed, with a full knowledge of the circumstances. There would be no danger of combinations, nor would any injury result from fair competition. The supplies might be so controlled as to leave no fear of a deficiency in the quality or quantity of this essential arm of defence.

In each of these years the sum of $100,000, in addition to the usual appropriation of $100,000, was asked for the armament of fortifications, and not granted by Congress.

The sum actually appropriated for the armament of fortifications, which object includes cannon, carriages, &c., for each year since 1829, inclusive, is $100,000; making, for the years 1829, '30, '31, '32, '33, '34, and '35, the sum of 700,000 dollars.

There have been procured with this sum—

2	42	pounder	cannon.
1,052	32	do.	do.
26	24	do.	do.
47	42	do.	balls.
19,482	32	do.	do.
1,264	24	do.	do.
355		casemate carriages.	
342		barbette	do.

There was on hand on the 4th of March, 1829, 2,241 guns of every description, new and old, which were serviceable.

There have been since added, as is shown above, 1,153 cannon of various descriptions. The number of carriages on hand at the same time was 378. The number of carriages since made is 697.

As a general rule, the practice has been to expend between 70,000 and 80,000 dollars per annum for cannon, and the balance of the 100,000 dollars for shot, and timber, to be seasoned for the carriages, and other materials for the same.

Statement showing the amount of money expended for the last seven years, under the appropriations for arming the fortifications, for the following objects, viz:

For 42 pounder guns			$1,000
32	do.	do.	520,200
24	do.	do.	320
32	do.	cannon balls	25,448
gun carriages			150,900
			$697,868

Amount appropriated 700,000, dollars. Balance applied to miscellaneous purchase of articles.

Ordnance Office,

Washington, March 29, 1836.

The reasons why guns have been procured in greater numbers than carriages, are:

1st. Because only a limited supply of guns could be procured, the manufacture requiring peculiar and extensive preparations, and artisans well acquainted with the business. Previous arrangements, therefore, were required for their manufacture, and it was essential that the foundries employed in this manufacture should be kept in operation; for, if once broken up, it would be difficult to replace them, and on a sudden exigency we might not have been able to procure an adequate supply of cannon.

2d. Carriages could be made at every place where mechanical labor could be procured, and to almost any extent; and it was not therefore so necessary to hasten this supply as that of cannon. The truth of this remark is shown by the fact that, under the exigency of the last season, upwards of 800 carriages were made; and this number might have been increased to an almost indefinite extent, had circumstances demanded, and the means been provided.

3d. Wooden carriages are liable to decay, and it was therefore expedient to postpone the procuring of these rather than the cannon, which are almost indestructible, when the appropriation was not sufficient for a supply of both. Iron carriages have been but lately introduced into service, and were made for the first time last season. Wooden carriages are yet necessary in certain situations. Had the appropriations been sufficient for an adequate supply of both guns and carriages, both would have been procured; but as they were not, the funds were first expended upon the most indispensable articles.

These statements prove, beyond possible doubt, that all the means appropriated by Congress have been promptly and judiciously employed, and that no part of the public service committed to the care of that Department has been in the slightest degree neglected.

In addition to the strong recommendations of the War Department, the President, as early as the year 1830, called the attention of Congress to this important subject, in the following terms: "It is worthy of your consideration, whether the armaments necessary for the fortifications on our maritime frontier, which are now, or shortly will be, completed, should not be in readiness sooner than customary appropriations will enable the Department to provide for them. This precaution seems to be due to the general system of fortification which has been sanctioned, and is recommended by that maxim of wisdom which tells us 'in peace prepare for war.'" What more, I would ask, could the Executive do; and where res's the responsibility? I answer, upon Congress.

If the majority, then, have neglected to provide the means for the defence of the country, is the administration responsible for the consequences? I answer, no; the administration has done its duty; its skirts are clear. But, sir, how will this argument avail the honorable gentleman from Tennessee? Was he not one of that majority, and involved with them in the consequences of his own charge? I leave him to answer the question to himself and to his country. Why do the minority complain? If they had done their duty to the country, there would have been ample defences—all these complaints silenced. Yet they complain of the Executive for not doing what they themselves prevented being done, by not appropriating the means.

The Navy Department is also involved in this general charge of neglect, for the almost entire want of preparation and sad condition of the navy. To vindicate this Department against this charge, I need only refer to every annual message of the President and accompanying report from the Navy Department, to prove that the attention of Congress has been unremittedly called to this important arm of our national defence, and its increase, improvement, and equipment, urged in the strongest terms. The appropriations have been faithfully and judiciously disbursed. The true strength of the navy may be seen from the annexed table.

The President, in his message, strongly urged upon the consideration of Congress this subject.

The Navy.

	In commission.	In ordinary.	In stocks.	Total.
74	1	6	5	12
44	3	4	7	14
36	1	2	1	3
24	1	1	0	2
18	11	6	0	17
12	6	0	0	6
				54

This shows that although the vessels in commission are few in number, and inadequate to our defence, yet that such is the state of material preparation, that a large force could very promptly be put afloat in case of necessity. The whole navy is inadequate to the defence of our coast, but it is as large as the acts of Congress have authorized, and no blame can attach to the Department. It is true that some of the materials are in a state of decay at our navy yards. Why is it so? Because Congress has not provided sufficiently for their protection. As to the unexpended balances, so much spoken of, I have but a single word to say. There are existing contracts which will require every dollar. And now, Mr. Chairman, while the honorable gentleman from Tennessee has complained of our almost utter destitution of preparation for defence, and congratulates the country on its escape from damage and dishonor by the settlement of our controversy with France, he opposes entering at this time upon the adoption of that system of preparation proposed, the want of which he so strongly complained of. Sir, has not the gentleman, by asserting the want of preparation, and the dangers which we have escaped growing out of it, conclusively proved that we ought speedily to remedy the evil by adopting a judicious system of defence? I humbly think he has.

I will now, Mr. Chairman, proceed, as well as I can, to answer the charges of the gentleman from Tennessee affecting those promises and practices of the Government which were designed to delude and excite the people for political effect: and, 1st, as to what the gentleman opprobriously calls the "gold humbug." The honorable gentleman says, this administration pledged itself to restore a metallic circulation to the country—a pledge which it has totally failed to redeem. It is true, sir, that this administration maintains the principle that this was intended to be, and ought to be, a hard-money Government, and that it would use its utmost exertions to restore a hard-money circulation. To effect this, it recommended, and Congress has placed the value of gold here upon an equality with gold in Europe, and thus destroyed one motive to exportation. Since the formation of this Government, there has been coined in value $61,816,650 48, of which there has been coined in value during this administration $30,609,824 10—near one half. The mint establishment has also been extended; all of which proves that, if the effort fails, the administration has done every thing which it could constitutionally do to redeem this pledge. Why, then, has it not been redeemed? The answer is obvious: the State Governments have the constitutional power to charter banks; this power has been freely exercised: most of the State banks issue immense masses of small notes, which throw specie out of circu-

lation. This was the very scheme which Alexander Hamilton, the father of the American banking system, resorted to, to throw out of circulation specie, so as to give full scope to the circulation of bank notes, and thereby secure their permanent and extensive circulation. The administration has done its duty: it cannot do every thing; and if the effort fails, the fault will be with the States and the people themselves; yet it must be admitted that the metallic circulation has much increased, and is gradually increasing, and I yet have strong hopes for the final accomplishment of so desirable an object.

The next subject of charge, of this character, made by the gentleman from Tennessee, is, that the administration profess to be greatly alarmed at the idea of the presidential election coming to this House, and are solicitous so to mend the constitution as to prevent it, while in truth and in fact they have no such fear, but hold it out to the people with a view of exciting their apprehensions to favor the election of a particular candidate for the presidency. This charge the honorable gentleman applies to the friends of the administration, but expressly excepts the President. To sustain this charge, the gentleman refers to the action of the last session of Congress, as exhibited upon the face of the journal, and contrasts the course pursued upon that subject by the friends of one candidate, with that pursued by the friends of another, and thence deduces the opinion that the friends of the Vice President are mostly opposed to the measure, while the party with which the gentleman from Tennessee acts favors it.

Such an amendment of the constitution as would prevent, under any contingency, the election of President and Vice President devolving upon the House of Representatives, has always been, and still is, a favorite measure with the present President; and he has never failed, in every annual message to Congress, from the commencement of his term to the present session, to urge it strongly upon Congress. He urged it when coming into power, and he urges it when going out. I have examined with much care the journals of the last session, and find the following to be the true state of the proceedings on that subject. On the 9th of December the President's message, recommending an amendment of the constitution in relation to this subject, was referred to a select committee. (See journal, p. 9.)

On the 19th of December, before any report was made Mr. Hamer, of Ohio, (the present chairman,) offered the following resolution: "*Resolved*, That the select committee to which was referred so much of the President's message as relates to the election of President and Vice President of the United States be instructed to inquire into the expediency of so amending the constitution as to provide for the election of President and Vice President by a direct vote of the people in districts; the number of districts in each State to be equal to the number of Senators and Representatives to which such State may be entitled in Congress, and each district having one vote; the election of such officers in no event to devolve upon Congress. No person who has been elected President to be again eligible to that office; and that no Senator or Representative shall be nominated or appointed to any office of honor, trust, or profit, under the authority of the United States, whilst holding a seat in Congress." (See journal, p. 111.)

Mr. Hamer was then, as now, a friend of the administration, as was also a majority of the committee.

On the 31st January, Mr. Gilmer, an opponent of the administration, who was chairman of the select committee, reported that the committee could not agree. (See p. 294.)

On the same day, Mr. Gilmer, by leave, offered joint resolutions on the subject, embracing a variety of propositions and details of an important character. Read, and laid on the table.

On the 13th of February, Mr. Gilmer made a motion to suspend the rules, to take up and consider these resolutions; yeas 151, nays 56; the great body of the friends of the administration voting for it: resolution read, and postponed to Thursday, the 19th. (Journal, p. 378.)

Same day Mr. Hannegan moved to amend, so as to refer the election of Senators directly to the people. (Page 378.)

February 19th: no effort made by Mr. Gilmer to take up his resolutions.

February 25th: Mr. Wilde moved to suspend the rules, so as to take up and consider the resolutions of Mr. Gilmer; yeas 112, nays 92.

By unanimous consent, the consideration of the resolutions was suspended for the present, and the House proceeded to despatch business on the Speaker's table.

Same day, resolutions taken up, and, on motion of Mr. Gilmer, amended. The amendment does not materially vary the original resolutions, and need not be repeated (Journal, p. 483.)

Same day, Mr. Speight moved an amendment, that the presidential term should be six, instead of four years; and the President to be ineligible to a second term. (Journal, p. 454.) Rejected; yeas 41, nays 162.

Same day, Mr. Gholson offered an amendment, by striking out some passages. (Journal, p. 455.)

February 27th: Mr. Gilmer moved to suspend the several orders of the day, to take up and consider the resolutions; many of the friends of the administration voting in favor of taking up—among them Mr. Polk—and many against it, and many of the opposition voting both for and against.

Same day, the consideration of the resolutions was resumed, and Mr. Gholson withdrew his amendment.

Mr. Gorham (an opposition member) moved to lay the resolution on the table.

Mr. Briggs (an opposition member) moved to adjourn: rejected, yeas 38, nays 126. (Page 477.)

Motion to lay on the table rejected; yeas 39, nays 129. (Page 483.)

After further debate, Mr. Vanderpoel moved to adjourn: rejected, yeas 59, nays 112. (Page 480.)

Debate resumed. Mr. Plummer, a friend of Judge White, was addressing the House, when he was called to order by Mr. Wise, on the ground that his remarks were irrelevant, impertinent, and profane: decided to be out of order, but had leave to proceed, yeas 136, nays 38. (Page 480.)

After further debate, the House adjourned. This was on the 28th of February, but six days before the expiration, and is the last proceeding on this resolution.

The honorable gentleman from Tennessee states that the majority of the select committee to which the President's message and the resolutions referred to were committed was composed of a majority of the friends of the Vice President, the purity and fidelity of some of whom cannot be doubted; and from thence strongly insinuates that the difficulty with the committee in coming to an agreement is chargeable to their opposition to the proposed amendment. I think that the history of the progress of this proposition proves, most clearly, that the honorable gentleman has ascribed the failure to the wrong cause. There is little doubt that Mr. Gilmer sought to ingraft upon the report of the committee all the propositions and details contained in the resolution which he submitted to the House on the 31st of January, involving a variety of propositions of very serious and important concern, and deserving grave and deliberate consideration; for it was said in the House, by Mr. Speight, of North Carolina, "that, although the committee could come to no agreement generally, they did agree, with one exception, to that part relative to the election of President and Vice President of the United States."

This is proof conclusive that, upon the simple proposition of taking from the House of Representatives any participation in the election of President and Vice President, the committee found no difficulty in coming to an agreement; but that the conflict of opinion arose upon the proposition afterwards submitted in the House by Mr. Gilmer; and that this was the real cause why there was no action by the committee; for, let it be remarked, that, on the very day Mr. Gilmer reported that the committee could come to no agreement, he submitted his resolutions.

The views of the present incumbent of the chair, [Mr. POLK,] to whom some reference has been made by the honorable gentlemen from Tennessee, were favorable to this amendment of the constitution. In the discussion upon Mr. Gilmer's resolutions, he pointed out what he regarded a defect in the resolutions, and made the remarks which I will now read: Mr. Polk said "he believed he had discovered a very important omission in the resolutions; they nowhere stated the number of votes to which each State was entitled, although they had laid down the mode and manner in which the elections should be held. Mr. P. said that his views in many points resembled those of the gentleman from Georgia; but, in making important fundamental changes in our constitution, it became the House to pause and deliberate. Mr. P. was for a single term, against an election by that House, and would in all cases confine the election to the people; but he did not think that they should pass upon so weighty a subject in half an hour's deliberation. He again avowed himself in favor of the principles of the resolutions, and referred to his former course in support of them."

The approbation, then, of the present Speaker of the proposed amendment is not a matter of doubt. It is expressed in the remarks which I have quoted in the most unequivocal terms; and the manifest inclination of a large majority of the friends of the administration in favor of the amendment is to be found in their votes upon every question taken by yeas and nays upon this subject. When, therefore, it is considered that the last session of Congress was what is familiarly called a short session; that the proposition involved alterations and amendments in the constitution of the most grave and important character; the late period when they were called up; and that Mr. Gilmer at no time seriously pressed the decisive action of the House upon the subject, the propriety of the course taken by the House is strikingly manifest, and will be approved by the country. These amendments and alterations were, no doubt, introduced merely for the consideration of the people, to be finally acted upon at the present session. A report upon this subject has been made by the Committee on the Judiciary, and will, no doubt, be acted upon by the House during the present session. But, sir, the honorable gentleman from Tennessee has himself been numbered among the friends of this amendment to the constitution; it has been earnestly pressed by the President ever since his inauguration into office. I ask, then, why it is the gentleman himself has not been found pressing this amendment, it being, in his view, so very important. The gentleman stands involved in all the consequences of the failure of the majority, of which he was one, to act upon the subject, and must take his share of responsibility to the public.

The honorable gentleman, in alluding to some of the members of the select committee to whose consideration the resolutions were referred, spoke of them as gentlemen whose party fidelity could not be doubted. This, sir, is a compliment of no ordinary character, and I appeal to the testimony of the honorable gentleman himself, afforded in a speech ascribed to him, (whether justly or not, I do not know, for I find merely an extract in the newspapers,) delivered at Nashville since the last session of Congress. In speaking of the difficulties under which the administration labored in relation to the public deposites, he said:

"It was not speeches the friends of the administration stood in need of; it was votes, true and loyal friends, that would act in the hour of need."

From this expression, I am sure the gentleman from Tennessee will not regard honest party fidelity with any displeasure. Upon the whole, I think the gentleman from Tennessee has failed to fix upon the friends of the administration, or what he calls "the party," the responsibility of the failure of the amendment, or any insincerity in their advocacy of it.

Much had been said, Mr. Chairman, by all the gentlemen who have preceded me in this debate, about the immense surplus in the Treasury, and its rapid increase. I here submit a statement showing the actual amount of the surplus at the close of the last year; and what will be its probable amount at the close of the current year depends upon the appropriations of the present session.

1. The actual surplus in the Treasury on the 1st of January, 1836, after deducting unavailable funds, and all outstanding appropriations, was about 18,000,000 dollars.

The balance on hand was about 25,731,152 dollars, and the outstanding appropriations near eight millions. This surplus was larger than had been previously estimated, on account of the great importations in the last quarter of the year, made before the apprehended difficulties with France should probably end in commercial restrictions and war; and on account of the unexpected continuance of extravagant speculations in public lands through the months of November and December.

2. The amount of the surplus at the close of 1836 will of course depend on the receipts during the year, and the expenditures, which have not yet been ascertained, for a single month with entire accuracy.

But if the estimates made in the last annual report of the receipts should be exceeded by three or four millions of dollars, as seems probable from the large imports to supply the destruction of goods by fire in New York, and from a continuance in January and February of large purchases of public lands, then the whole receipts in the year may be expected to equal about 25,000,000 dollars. The receipts from lands are so uncertain, they may exceed or fall short of the allowance included in the above computation.

I do not see any indications that the United States Bank intends to pay into the Treasury much, if any, of our capital stock during 1836, so as to swell the surplus from that source.

From this 25,000,000 dollars is to be deducted the expenditures during 1836 of new appropriations, which have been estimated in the annual report at about 23,000,000 dollars.

If the expenditures in 1836 of new appropriations should equal that sum, the balance of receipts in the year would exceed the expenditure about 2,000,000 dollars. But if to those expenditures, as estimated seven months ago, are added the new items for the Florida war, and other incidents, equalling five millions, the balance of expenditures over receipts would be 3,000,000 dollars; and thus what might be deemed a surplus in the Treasury, January, 1837 would be only about 15,000,000 dollars, instead of what it was January 1, 1836, of about 18,000,000 dollars.

Should Congress, however, appropriate still more to the fortifications and navy, to build custom-houses, &c. &c., than was contemplated in the estimates submitted last December, (and it is expected they may to the amount of at least six or seven millions,) all that excess will *pro tanto* reduce the surplus below fifteen millions,

and make it not over seven or eight millions. So if the receipts from duties are actually postponed much to subsequent years by the New York fire bill, or are diminished by any large remissions of duties, the surplus will be further reduced. On the contrary, the receipts from lands, &c., may be larger, and then it will be increased.

From this statement, there was actually in the Treasury at the close of the year about $10,000,000, after deducting actual expenditures and unexpended appropriations, which must be expended. And this, sir, is the immense surplus over which the Executive wields an uncontrolled authority, and with which the nation is to be corrupted! Sir, it is true it is rapidly increasing, and will continue to do so, unless we pass the necessary appropriation bills. Sir, this surplus, with the decreasing duties under the act of 1832, will not remain long, although it amounts in calculation almost to $50,000,000; but will be only in calculation, not in cash. I am, Mr. Chairman, much amused at the change in the state of things. Two years ago we heard nothing but woful prophecies of a bankrupt Treasury and a ruined people. A resort to direct taxation, arising from the folly and usurpations of this administration, was predicted with great confidence. This very year was the period of fulfilment—when lo! and behold, we are not alarmed on account of a bankrupt Treasury and a ruined country, but, sir, because of an overflowing Treasury and a prosperous people. We are actually alarmed because we have so much money we do not know what to do with it. What a singular fulfilment of prophecy this! There is, Mr. Chairman, a ready way to relieve all our difficulties upon this subject—relieve the taxes of the people by reducing the tariff, and the surplus will soon be reduced. I hold myself under no obligation to abide any compromise of conflicting interests which shall unnecessarily burden the great body of the people.

I come now, Mr. Chairman, to consider the subject of the deposite banks. It is said by the gentleman from Tennessee [Mr. BELL] that the deposite of the public money in the State banks, extending as they do over the whole nation, secures to the Executive an extensive and dangerous influence over the moneyed concerns of the country, to an extent dangerous to public virtue and liberty; that the deposite banks will be entirely subservient to its views. Sir, the public money must either be concentrated at one point, in the Treasury Department, which would be unsafe and dangerous, or in the hands of individuals, which would also be unsafe, or in banks; and the question is, which would be the most judicious deposite? Mr. Gallatin, for whose opinions I entertain very high respect, in a report to Congress in 1811, when the charter of the old United States Bank was under consideration, used this language: "The banking system is now firmly established, and in its ramifications extends to every part of the United States. Under that system, the assistance of banks appears to me necessary for the punctual collection of the revenue, and for the safe keeping and transmission of public money. That the punctuality of payments is principally due to banks, is a fact generally acknowledged," &c. This argument is used merely to prove the necessity of using banks, because the system is firmly incorporated into our system. He then goes on to argue the advantages of a national over State banks; but says: "If, indeed, the Bank of the United States could be removed without affecting either its numerous debtors, the other moneyed institutions, or the circulation of the country, the ordinary fiscal operations of the Government would not be materially deranged, and might be carried on by means of another general bank, or of State banks." This concedes the whole ground I desire; and that State banks can be effectively and safely employed is already proved by actual experiment. The concession comes, too, from a man favoring a national bank.

The reasons, under existing circumstances, of selecting State banks, by the Executive, are manifest; it was an act of necessity. There is no law directing where the public money should be deposited, in case of the expiration of the United States Bank charter, or in case the Secretary, under the discretion with which he was vested, should deem it expedient to remove them: the State Banks were the only safe places which could be selected. At the opening of the session of Congress succeeding the removal of the public deposites, the President in his message notified Congress of the act of removal, the selection of the State banks, and earnestly recommended to Congress to make suitable regulations. He said, "the attention of Congress is earnestly invited to the regulation of the deposites in the State banks, by law. Although the power now exercised by the executive department in this behalf is only such as was uniformly exercised through every administration, from the origin of the Government up to the establishment of the present bank, yet it is one which is susceptible of regulation by law, and therefore ought to be so regulated. The power of Congress to direct in what places the Treasurer shall keep the moneys in the Treasury, and to impose restrictions upon the executive authority, in relation to their custody and removal, is unlimited;" and Congress from that time to this has failed to do so. The reason is obvious. The bill regulating this matter was embarrassed in its progress with clogs and restrictions, which might induce the State banks to refuse to receive the deposites, and thus to bring about the necessity of renewing the charter of the United States Bank, or chartering a new national bank. Sir, we should cease to assail the Executive about its influence and control over the State banks, and of the public money. The Executive has earnestly invited and urged you to regulate the deposites, and restrict its control over the public money.

Gentlemen complain of the influence which the Executive will exert over the community—an influence, they say, dangerous to liberty—through the medium of the deposite banks. I submit it to the country to decide whether there be less danger from a connexion with a national bank of $35,000,000, having its branches in the capital of every State, controlled by a single board of directors, or the same number of State banks, having each its independent board of directors, controlled by the vigilance of twenty-four State Governments, each interested for its own security in restraining any undue influence over State institutions by the national Government, even with $50,000,000, of capital. I am, myself, Mr. Chairman, no friend of banking institutions: the whole system is corrupt in its tendency, and is as successfully building up aristocracy in this country as the laws of primogeniture and succession sustain it in Great Britain.

But, sir, gentlemen not only profess to be alarmed at the influence possessed by the Government over these institutions, and the dangerous tendency of that influence, but they strike up another panic, and assert that the deposite banks are not safe; that the public money will all, or nearly all, be lost. I here exhibit a table showing the true condition of the deposite banks up to the 1st February, by which it will be seen that all the demands against them amount to $86,844,763 36, and their means to meet them $128,074,570 15; leaving a sum over and above all demands of $41,229,833 79.

It appears that the immediate liabilities of all the deposite banks are as follows:

Owing to other banks, - -	$14,879,161 45
Circulation to be redeemed - -	26,243,688 36
Private deposites - - -	15,043,033 64
Public deposites - - -	30,678,879 91
Aggregate - - -	$86,844,763 36

Their immediate means to meet these immediate liabilities were:

Due from other banks - -	$15,712.977 35
Specie on hand - - -	10,198,659 24
Notes of specie-paying banks - -	9,573,089 53
Aggregate - - -	$35,484,726 12

So that their immediate means were as 1 to about 2½ of their immediate liabilities.

This is a proportion larger than most of the other banks in the United States; larger than the United States Bank itself used generally to have when a public depository, and larger than the Bank of England usually has. (See supplemental report, 1834, table AA, Doc. No. 27, Ho. of Reps.)

But, beside these immediate means, the deposite banks had also other means to secure the Government and other depositors, and the holders of their notes, of about 50 per cent. more than the amount of all their immediate liabilities:

Thus, beside the above immediate means, they have bills of exchange, in many cases as available as specie, amounting to - - -	$27,149,935 39
They have due them on notes and obligations discounted, the sum of -	65,439,908 64
And add to this their immediate means of	35,484,726 12
And they have, in all, the sum of -	$128,074,570 15

to pay and secure their immediate debt of 86,844,763 dollars 36 cents.

In addition to this, the Treasury holds collateral security of most of these banks, to secure what is due to the United States, as suggested in annual report, page 21.

The reports up to the 1st of March vary this view but little. It is manifest, therefore, Mr. Chairman, that so much alarm for the safety of the public money is totally unfounded. It is easy to discover that all these fears and alarms about the deposite banks, this irresistible influence of the Executive over the public mind, through their agency, are intended to effect some other favorite object; they squint at another national bank. I do not allude to any gentleman on this floor. But, sir, does it not occur to gentlemen, if these deposite banks are all broke, that they can exercise no deleterious influence upon the country, and that these fears are entirely visionary?

The next subject of complaint on the part of the honorable gentleman from Tennessee [Mr. BELL] to which I shall advert, is the subject of executive patronage, the increase and dangerous tendency of which seem to excite so much apprehension for the virtue and safety of the nation, onthe part of that gentleman. In discussing this question, Mr. Chairman, I shall not stop to inquire what friend of the administration may or may not be involved in inconsistency; that is immaterial to me. I shall present my own views upon this as upon all other questions which shall come under consideration, without regard to the consequences to others. The question is, what are the principles of this administration upon this subject? not what is, or what has been, the opinion of this or that individual friend; and whether, upon this subject, the profession and practice of the administration have been consistent. The honorable gentleman says the bill now before the House, sent hither by the Senate, is intended to restrict and cut off improper executive patronage. This bill provides that the limitation of four years to the duration of the term of the public officers, to whose offices it now applies, shall be repealed, and that, in case of removal from office before the nomination of a successor is acted upon, the President shall assign to the Senate his reasons for the removal. Now, sir, I deny that this bill is in accordance with the professed opinions of the administration. The views of the President upon this subject were announced in his first annual message to Congress, in which he says:

"There are perhaps few men who can for any great length of time enjoy office and power, without being more or less under the influence of feelings unfavorable to a faithful discharge of their public duties. Their integrity may be proof against improper considerations immediately addressed to themselves, but they are apt to acquire a habit of looking with indifference upon the public interests, and of tolerating conduct from which an unpractised man would revolt. Office is considered as a species of property, and Government rather as a means of promoting individual interests, than as an instrument created solely for the service of the people. Corruption in some, and in others a perversion of correct feelings and principles, divert Government from its legitimate ends, and make it an engine for the support of the few at the expense of the many. The duties of all public officers are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance; and I cannot but believe that more is lost by the long continuance of men in office than is generally to be gained by their experience. I submit, therefore, to your consideration whether the efficiency of the Government would not be promoted, and official industry and integrity better secured, by a general extension of the law which limits appointments to four years.

"In a country where offices are created solely for the benefit of the people, no one man has any more intrinsic right to official station than another. Offices were not established to give support to particular men, at the public expense. No individual wrong is therefore done by removal, since neither appointment to, nor continuance in, office is matter of right. The incumbent became an officer with a view to public benefits; and when these require his removal, they are not to be sacrificed to private interests. It is the people, and they alone, who have a right to complain when a bad officer is substituted for a good one. He who is removed has the same means of obtaining a living that are enjoyed by the millions who never held office. The proposed limitation would destroy the idea of property, now so generally connected with official station; and although individual distress may be sometimes produced, it would, by promoting that rotation which constitutes a leading principle in the republican creed, give healthful action to the system."

If any man can discern in these views of the President the slightest accordance with the principles of the bill from the Senate, he has more acuteness than I have. The Senate's bill proposes to repeal the limitation of four years entirely, while the President recommends an enlargement of the limitation of four years to nearly all the offices under the Government; certainly a very material difference. The Senate's bill requires the President to assign his reasons for removal; the President nowhere intimates the propriety of such a requisition!

Mr. Chairman, it was a leading object in the formation of our Government to divide it into three separate and independent departments—legislative, executive, and judicial—leaving each, as far as practicable, uncontrolled and untrammelled in its action by the interference of the other. This, sir, is a constitutional division and a constitutional object; the principle has been sanctioned by our most distinguished patriots and statesmen. The executive power is placed in the hands of the President by the constitution; and however unwise the investment, if it be so, it cannot be divested of it but by constitutional amendment. Among the most efficient powers vested by the constitution in the President, is the power of removal from office. The importance attached to this executive power is well illustrated by the fact that, in

the first session of Congress after the formation of the constitution, a provision attached to the bill organizing the State Department, authorizing the President to remove the Secretary from office at pleasure, was stricken out, on the ground that the power was unconstitutional, and could not be conferred by law. The proposition to strike out that provision gave rise to a long and able debate, in which the question whether the power of removal was derived from the constitution or not, was ably and elaborately discussed. Mr. Madison, who participated largely in that debate, said, while discussing the President's power of removal:

"But there is another part of the constitution which inclines, in my judgment, to favor the construction I put upon it. The President is required to take care that the laws be faithfully executed. If the duty to see the laws faithfully executed be required at the hands of the Executive Magistrate, it would seem that it was generally intended he should have that species of power which is necessary to accomplish that end. Now, if the officer appointed is not to depend upon the President for his official existence, but upon a distinct body, I confess I do not see how the President can take care that the laws be faithfully executed."

In the same speech he said:

"If any thing in its nature is executive, it must be that power which is employed in superintending and seeing that the laws are faithfully executed."

Again, Mr. Madison said:

"I think it absolutely necessary that the President should have the power of removal from office; it will make him in a peculiar manner responsible for their conduct, and subject him to impeachment himself, if he suffer them to perpetrate, with impunity, high crimes and misdemeanors against the United States, or neglect to superintend their conduct so as to check their excesses. On the constitutionality of the declaration I have no manner of doubt."

Mr. Giles, in a debate in 1802, upon the judiciary bill, expressed the same opinion. He said:

"In relation to newspaper scribblers, Mr. Jefferson once said, 'Let them stand undisturbed, as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it.' "

Mr. Giles. "The President is authorized, without limitation, to commission all the officers of the United States. The question arises, by what tenure? The reply is, according to his pleasure or discretion. It was not difficult to foresee that, if the President was fully empowered to commission as he pleased, he would commission during his pleasure. The Legislature has no more control over an officer, who holds an executive commission during the pleasure of the President, than over a judicial officer, holding his office during good behaviour—the remedy given by the constitution being the same in both cases, to wit, impeachment. Nor is there any reason why the office of the one should be less subject to the discretion of the Legislature than the office of the other; and it seems to be universally agreed that, although the Legislature cannot deprive an executive officer of his office in any other way than by impeachment, during the continuance of such office, yet the office is always subject to be abolished. The same reasoning will hold with equal force respecting a judge and a judicial officer. The reason why the Executive is proscribed from the removal of a judge is to secure to the judge the complete independence of the President, who is not responsible for the discharge of judicial duties; but the removal is perfectly correct in the case of an executive officer, because the President is highly responsible for the due discharge of executive duties. The Legislature is not responsible for either, and, of course, stands in the same constitutional relation to both. There is the same remedy against both—impeachment."

The late eminent Judge Tucker, of Virginia, expressed the same opinion. In the appendix to his Commentary upon Blackstone he said:

"The constitution has made ample provision for his aid in these respects, by assigning to him ministers, to whom the conduct of each of the executive Departments may be committed, from whom he may require all necessary information, as also their opinions, in writing, upon any subject relating to the duties of their respective offices; and whom he may, moreover, remove at pleasure."

In further support of this claim of constitutional power for the Executive, I here quote from Mr. Calhoun's speech upon the removal of the deposites in 1834. In that speech he said:

"I cannot doubt that the President has, under the constitution, the right of removal from office; nor can I doubt that the power of removal, wherever it exists, does, from necessity, involve the power of general supervision; nor can I doubt that it might be constitutionally exercised in reference to the deposites. Reverse the present case. Suppose the late Secretary, instead of being against, had been in favor of the removal, and that the President, instead of for, had been against it, deeming their removal not only inexpedient, but, under the circumstances, illegal; would any man doubt that, under such circumstances, he had a right to remove his Secretary, if it were the only means of preventing the removal of the deposites? Nay, would it not have been his indispensable duty to have removed him? And had he not, would he not have been universally and justly held responsible?"

In further support of this claim, I quote from Mr. Clay's speech at Fowler's Garden, in which, while he declaimed against the abuse, by fair inference admitted the constitutional power of removal.

"The President is invested with the tremendous power of dismission, to be exercised for the public good, and not to gratify any private passions or purposes. It was conferred to prevent the public from suffering through faithless or incompetent officers. It was made summary, because, if the slow process of trial before a judicial tribunal were resorted to, the public might be greatly injured during the progress and prior to the decision of the case."

These opinions are founded upon the principle that the President, being charged by the constitution with the whole executive power, is responsible to the country for the due and faithful execution of the laws—his oath requiries it at his hands. In support of this opinion, I quote from Mr. Jefferson's letter to Monsieur De Tracy:

"While the tranquil and steady tenor of our single Executive, during a course of twenty-two years of the most tempestuous times the history of the world has ever presented, gives a rational hope that this important problem is at length solved, aided by the counsels of a cabinet of heads of Departments, originally four, but now five, with whom the President consults, either singly or altogether, he has the benefit of their wisdom and information, brings their views to one centre, and produces a unity of action and direction in all the branches of the Government. The excellence of this construction of the executive power has already manifested itself here under very opposite circumstances. During the administration of our first President, his cabinet of four members was equally divided by as marked an opposition of principle as monarchism and republicanism could bring into conflict. Had that cabinet been a directory, like positive and negative quantities in algebra, the opposing wills would have balanced each other, and produced a state of absolute inaction. But the President heard with calmness the opinions and reasons of

each, decided the course to be pursued, and kept the Government steadily in it, unaffected by the agitation. The public knew well the dissensions of the cabinet, but never had an uneasy thought on their account, because they knew also they had provided a regulating power, which would keep the machine in steady movement."

I also refer to Mr. Madison's opinion in the debate before referred to, and just quoted. I also refer to Judge Tucker's Commentary on Blackstone, appendix to 1st volume, part 1, in which he says:

"The true point of responsibility rests upon the shortness of the period for which a President of the United States is elected, and the power which the people possess of rejecting him at a succeeding election." The same able author says, "responsibility pursues him (the President) in every situation, whether active or passive, sleeping or awake;" a sentiment, the truth of which is confirmed by that unerring test, experience.

And to the opinion of Mr. Calhoun, expressed in a letter to General Hamilton, in 1828, in which he says:

"No relation can be more confidential than that between the President and members of the cabinet, as his constitutional advisers, charged as he is with the executive duties of the Government, which were vested in a single person, to give energy and promptitude in execution."

The principle of unity in the executive department, as maintained by all our distinguished statesmen, necessarily attaches to it responsibility, and with that responsibility the power of removal; for it would be most outrageous to hold the President responsible for the faithful execution of the laws, and at the same time compel him to retain in office a set of unworthy officers, who would thwart his views and resist his authority, preventing the prompt and faithful execution of the laws. I should have thought the construction of the constitution, by its very authors, and the uniform practice ever since, would have settled this principle so far as to prevent any effort to change it by act of Congress. In this, however, I am mistaken; and this bill from the Senate has that object in view.

Regarding, as I do, the power of removal as a power conferred on the President by the constitution, I have not examined into the details of the bill with a view to ascertain their probable effects; but, at the threshold, find it a bill to repeal a constitutional principle, by operation of law. The executive and legislative departments, being both creatures of the constitution, and co-ordinate branches of the Government, I cannot consent that the one shall destroy or impair the independent constitutional powers of the other. Hence, sir, I am, in principle, opposed to this bill. It seeks to destroy, by law, the power of removal, conferred by the constitution. Mr. Chairman, it will be dangerous to permit such insidious encroachments, by law, as these, upon the constitution. The principles of the constitution should be preserved unimpaired; and whenever the construction of its powers is doubtful, the only safe way to settle the question of power is to appeal to the source of all power—the people. Sir, upon this question, I am asked to repeal, by law, a power of the constitution, acknowledged and acted upon for near fifty years. Gentlemen should pause, and reflect well upon the consequences of the act, before they consummate it. I, for one, will not touch this power by law.

There is another important question connected with this bill from the Senate; and that is, whether it is not in its effects calculated not only to impair the constitutional power of the Executive, but to add, to a dangerous extent, to the legislative power. Sir, while I admit that there is danger to liberty and our free institutions in the construction of the executive department, and that it should be watched, with unsleeping and untiring vigilance, by a people jealous of their liberties, yet I believe that there is more danger to liberty and free institutions in the legislative department, growing out of its immense powers, than from the Executive; for it has in its hands the power of war and taxation, the two most dangerous powers to liberty which could be imparted to it. Waiving my own views, I here subjoin an extract from the 48th number of the Federalist, page 248:

"The founders of our republic have so much merit for the wisdom which they have displayed, that no task can be less pleasing than that of pointing out the errors into which they have fallen. A respect for truth, however, obliges us to remark, that they seem never for a moment to have turned their eyes from the danger to liberty, from the overgrown and all-grasping prerogative of an hereditary magistrate, supported and fortified by an hereditary branch of the legislative authority. They seem never to have recollected the danger from legislative usurpations, which, by assembling all power in the same hands, must lead to the same tyranny as is threatened by executive usurpation."

"In a Government where numerous and extensive prerogatives are placed in the hands of an hereditary monarch, the executive department is very justly regarded as the source of danger, and watched with all the jealousy which a zeal for liberty ought to inspire. In a democracy, where a multitude of people exercise in person the legislative functions, and are continually exposed, by their incapacity for regular deliberation and concerted measures, to the ambitious intrigues of their executive magistrates, tyranny may well be apprehended, on some favorable emergency, to start up in the same quarter. But in a representative republic, where the executive magistracy is carefully limited, both in the extent and the duration of its power; and where the legislative power is exercised by an assembly, which is inspired, by a supposed influence over the people, with an intrepid confidence in its own strength; which is sufficiently numerous to feel all the passions which actuate a multitude, yet not so numerous as to be incapable of pursuing the objects of its passions by means which reason prescribes, it is against the enterprising ambition of this department that the people ought to indulge all their jealousy, and exhaust all their precautions.

"The legislative department derives a superiority, in our Governments, from other circumstances. Its constitutional powers being at once more extensive and less susceptible of precise limits, it can, with the greater facility, mask, under complicated and indirect measures, the encroachments which it makes on the co-ordinate departments. It is not unfrequently a question of real nicety, in legislative bodies, whether the operation of a particular measure will or will not extend beyond the legislative sphere. On the other side, the executive power being restrained within a narrower compass, and being more simple in its nature; and the judiciary being described by landmarks still less uncertain, projects of usurpation by either of these departments would immediately betray and defeat themselves. Nor is this all: as the legislative department alone has access to the pockets of the people, and has, in some constitutions, full discretion, and in all a prevailing influence over the pecuniary rewards of those who fill the other departments, a dependence is thus created in the latter which gives still greater facility to encroachments of the former."

These reasons are satisfactory to my mind, and are strengthened by the fact that all the violent breaches of the constitution, the alien and sedition laws, the two national banks, the tariff and internal improvement system, and various others, have had their origin in the legislative department.

In addition to the dangerous and alarming powers

already possessed by the legislative department of the Government, in the passage of this bill we shall greatly enlarge its powers. Indeed, sir, in exercising a control over the power of removal, this department will control the Executive in its most efficient means of action. The inducement of public officers honestly and efficiently to do their duty, for fear of removal, will be taken away. The Executive may be thwarted, and its orders disregarded and condemned, by every subaltern in public employment. When the Executive shall call them to account for malepractices, they have only to become thoroughgoing partisans, and raise the hackneyed cry of proscription for opinion's sake, and they are safe. In this way, all the powers placed in the hands of the Executive will be lost and destroyed. I cannot consent to add to the already too extensive powers of the Legislature. Although I should be willing to restrict the powers of the Executive in some things, I cannot do it in this.

Sir, I do not rely upon either department of the Government for the security of liberty and perpetuity of our free institutions. I rely upon the virtue and intelligence of the people, and invoke them to a watchful and sleepless vigilance over every department of the Government.

We have in our hands already powers amply sufficient to reduce executive patronage within salutary bounds. If there be too many public officers, we can reduce them by law; if salaries be too high, we can reduce them by law; if expenditures be too extravagant, we can reduce them by law. Thus all patronage of money or office is within the reach of Congress. If these officers are not too numerous, if these salaries are not too high, then there is no cause of complaint that the Executive does what he is bound to do, fills these offices, and disburses the salaries which Congress annually appropriates; if there be too much patronage over the revenue, regulate by law the public deposites, place it in such a situation as will secure it from improper control and dangerous uses. This we can do, and ought to do. Most of the public offices, and the salaries attached to them, were created by act of Congress, and may be repealed by act of Congress.

The principle of this bill is objectionable in another point of view. If, in requiring the President to assign his reasons for removing an executive officer, the Senate only means to have the reasons, without any action upon them, then it enables the President to stamp infamy and disgrace upon the character of any public officer whom, from personal hostility or any other cause, he may think proper to select for his victim. If the Senate means that any action should be had in relation to the removal, then it involves the truth of the facts communicated by the President, and this would present the undignified and disgraceful aspect of the trial of a question of veracity between the President of the United States and the removed officer—the Senate sitting in judgment between them. Sir, this would be the inevitable result; and who is willing to see an officer thus disgraced, or the President of the United States a party to an action of slander for the discharge of his official duties? I, for one, sir, cannot consent to do it. There is no power, sir, under the Government which may not be abused. We must, as far as we can, prevent it by ample responsibility. I am as much opposed to proscription as many of the opponents of the administration, who profess opposition, but practise it to the utmost extremity, possibly can be.

If this bill be passed, it creates a life estate in all the offices to which it applies, removes the force of responsibility, and tends to the utter neglect of the public service; for, without ample and sure responsibility, there is but little hope of securing fidelity in the discharge of public duties.

The next subject to which I shall call the attention of the committee, growing out of this discussion, is that affecting our French relations. The honorable gentleman from Tennessee charges that all the apprehensions expressed of a state of hostilities, growing out of our relations with France, were merely pretended, to delude and deceive the people; and that, in fact, no apprehensions of a collision were ever entertained by the administration and its friends; but he says, if the apprehensions were serious, the administration was criminally negligent in their preparations for such an event, and that it may take either horn of the dilemma. In this opinion, Mr. Chairman, I think the honorable gentleman is entirely mistaken. Sir, I propose briefly to examine the history of our controversy with France, and to present the prominent facts in their proper point of view before the American people. It will not be denied, I presume, by any man, that the insult of our flag and spoliations upon our commerce, capturing and burning our ships from 1806 to 1810, under the Berlin and Milan and other decrees were outrages, unless redressed, which justified war. If these shameless and flagrant breaches of national law, insults upon our flag, and confiscation of our property, were good causes of war, I ask the committee when was that cause of war removed, and our grievances redressed? Not, sir, till by the treaty of July 1831. If that treaty was an atonement for insult, and a satisfaction for injuries, the existence of the insult and the injury was acknowledged, and every principle of honesty, honor, and good faith, required that its stipulations should be fulfilled. The treaty is unconditional upon its face; and how, sir, has it been fulfilled? First, by dishonoring a draft drawn by our Government for the first annual instalment due under the treaty. Secondly, by pretending that she had been insulted by the President in his message to Congress of December, 1834. I propose briefly to examine these two pretensions. The apology for dishonoring the draft is, that the French Legislature had not made the appropriations necessary to fulfil the treaty. The treaty was executed the 4th July, 1831; was ratified by our Government on the 21st of February, 1832; and the fact was communicated to the French Government prior to the 8th of April, 1832. The French Chambers were then in session, and no application made by the Government for any appropriation. The next session of the Chambers commenced on the 19th of November, 1832, and continued till the 25th of April, 1833; no appropriation was proposed to the Chambers till the 6th day of April, near the close of the session. No final action was had at that session. The next session commenced on the 26th of April, and continued till 26th June, 1833; a bill of indemnity was introduced into the Chambers, but no final action was had. In April, 1834, a new session commenced, nearly three years after the execution of the treaty, and two instalments due; the appropriation was applied for, and refused.

The communication to our minister of the fact that the Chambers had refused the appropriation was accompanied with the regrets of the King, and a promise that, so soon as the pending elections were over, the new Chambers should be assembled, and the appropriation again pressed. The elections closed; the Chambers were not convened as promised by the King; and thus stood the matter at the opening of the last session of Congress. We had negotiated for twenty years, took an insufficient indemnity, and then, sir, we had been delayed another three years, in the fulfilment of a plain, simple, unconditional treaty. In addition to this, there was annexed to the bill of indemnity an article favorable to French productions in our ports, which reads thus:

"The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the States of the Union, at duties which shall not exceed the following rates, by the

gallon, (such as it is used at present for wines in the United States,) to wit: six cents for red wines, in casks; ten cents for white wines, in casks, and twenty-two cents for wines of all sorts, in bottles. The proportions existing between the duties on French wines thus reduced, and the general rates of the tariff which went into operation the 1st of January, 1829, shall be maintained, in case the Government of the United States should think proper to diminish those general rates in a new tariff. In consideration of this stipulation, which shall be binding on the United States for ten years, the French Government abandons the reclamations which it had formed in relation to the 8th article of the treaty of cession of Louisiana. It engages, moreover, to establish on the long staple cottons of the United States, which, after the exchange of the ratifications of the present convention, shall be brought directly thence to France by the vessels of the United States, or by French vessels, the same duties as on short staple cottons."

This article, as was acknowledged by the French ministry during the whole time of this protraction, our Government was faithfully fulfilling, and lost to the revenue, in the reduced duties, near $5,000,000. This was gross prevarication, injustice, and fraud, whether perpetrated by the King or the Chambers, and demanded the strongest resentment.

The President having this state of things before him, without any explanation from the King why the Chambers were not assembled according to promise, made his communication to Congress, stating the truth of the case, and recommending that Congress, if it thought any further action should be had at this time, should authorize reprisals in case the French Chambers should again refuse the appropriation. The following is the language of this recommendation: "Since France, in violation of the pledges given through her minister here, has delayed her final action so long that her decision will not probably be known in time to be communicated to this Congress, I recommend that a law be passed, authorizing reprisals upon French property, in case provision shall not be made for the payment of the debt at the approaching session of the French Chambers: such a measure ought not to be considered by France as a menace." This is the paragraph in the message which insulted the French Chambers, whose sensibilities seem to have been much more acute than their sense of justice. What was it in this message which could reasonably have been tortured into a menace or insult? Was it that it recommended to Congress to provide a suitable remedy in case of another refusal to pay the money? Certainly not; for a final refusal to perform the treaty would have been good cause of war. Was it that the President should express a doubt of the fidelity of France in fulfilling the treaty? Certainly not; for the Chambers had previously refused, which was good cause of suspicion, to say the least of it. The recommendation was contingent, and based upon the fact that the session of Congress would constitutionally expire on the 4th of March following, before the final action of the French Government could probably be ascertained. Suppose the French Government had finally refused; what was to be done? Surrender a claim acknowledged, and payment promised, under the high obligations of a treaty? No American will say this. It was not the money alone that required us to demand the fulfilment of the treaty; it was a higher and more important consideration; it was the faith of treaties; the obligation of national compact. How would it tell to posterity that this high-spirited republic had received outrage and insults, had stipulated satisfaction by treaty, and yet would not coerce its observance? Sir, we compel the little Indian tribes and other weak nations to perform with punctual fidelity their treaties. Is then France to be excused because she is powerful? No, sir; I would spend millions to compel the execution of this treaty; not for the paltry sum of $5,000,000 involved in the controversy, but for the preservation of the important principle of national faith, the faith of treaties. This message, which has been regarded as a menace, although the truth of the statements has not been questioned, has been trumpeted forth as menacing and insulting to France, and even justifying the refusal of the French Government to fulfil the treaty, although there is an express disclaimer in the message of any such design. After this message was received, the French Chambers made an appropriation to fulfil the treaty, but annexed to it this condition: that the money should not be paid until an explanation was made.

The manner in which the explanation was to be made, demanded by the condition annexed to the law of the Chambers, is, as avowed by the Duke de Broglie, in his letter of the 26th of October, 1835, in reply to Mr. Barton's inquiry whether the French Government would fix any determinate period when it would pay the money: "To-morrow, (says the Duke,) to-day, immediately, if the Government of the United States is ready on its part to declare to us, by address, its claim (reclamation to us) officially, in writing, that it regrets the misunderstanding which has arisen between the countries; that this misunderstanding is founded upon a mistake, and that it never entered into its intentions *(pense)* to call in question the good faith of the French Government, nor to taking a menacing attitude towards France."

This condition, which was one of national dishonor and disgrace, the President indignantly refused to comply with. After the President's message, the French Government withdrew its minister here, and offered ours at that court his passports. On the 25th of February, the President addressed the following message to both Houses of Congress:

"*To the Senate and House of Representatives of the United States.*

"I transmit to Congress a report from the Secretary of State, with copies of all the letters received from Mr. Livingston since the message to the House of Representatives of the 6th instant, of the instructions given to that minister, and of all the late correspondence with the French Government, in Paris or in Washington, except a note of M. Serurier, which, for the reasons stated in the report, is not now communicated.

"It will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France, with his legation, and return to the United States, if an appropriation for the fulfilment of the convention shall be refused by the Chambers.

"The subject being now, in all its present aspects, before Congress, whose right it is to decide what measures are to be pursued on that event, I deem it unnecessary to make further recommendation, being confident that, on their part, every thing will be done to maintain the rights and honor of the country, which the occasion requires.

ANDREW JACKSON."

In which he states the true condition of the controversy, and says he relies upon Congress to do its duty to the country. On the 26th of February, the Committee on Foreign Affairs of the House of Representatives reported, among others, a resolution, "that preparation ought to be made to meet any emergency growing out of our relations with France."

On the 28th of February, Mr. Archer, of Virginia, offered this resolution in the House of Representatives:

"*Resolved*, That, in the just expectation that the Government of France will have made provision, or will make provision, for carrying into effect the stipulations

of the treaty of indemnity with that Government, of the 4th of July, 1831, this House will forbear, at the present time, to adopt any measure in relation to that subject."

This resolution, which was certainly a peace offering, was rejected by the House; and, after various propositions,

On the 22d of March, the following resolution was offered, and unanimously adopted:

"*Resolved*, That, in the opinion of this House, the treaty of the 4th of July, 1831, should be maintained, and its execution insisted on."

On the next day a contingent appropriation of three millions of dollars was adopted by the House of Representatives. Thus, sir, we have this case; the treaty had been executed without condition; France professed to be insulted, and refused to fulfil the treaty, unless the American Government made an apology or explanation. The American Government refused. The House of Representatives adopted a resolution that the fulfilment of the treaty should be insisted on, and had voted a contingent appropriation of $3,000,000 to meet emergencies: and yet we are told by the gentleman from Tennessee that the administration never apprehended any collision. If there was not good cause to apprehend collision, there is no state of things which can produce apprehension in the relations of two Governments, each persisting in its course, and withdrawing all diplomatic relations.

This assertion of the honorable gentleman from Tennessee is very incompatible with the notes which echoed through the country when the last annual message was delivered. It was then asserted that, although the message was, according to some, pacific in appearance, it was war in disguise. Others said it was war altogether; that the President was determined on war; that his message repeated, without modification, the statements of the preceding message, and that it would not be satisfactory; that it was designed to produce war, and war we should have; that the preceding message contained the precise disclaimer that this did, which was not deemed satisfactory. Then, sir, the President desired war, and nothing but war; now, sir, the case is altered: the message is received in France, and is entirely satisfactory. There is seen in it in the United States what cannot be seen in it in France —war in disguise. Immediately on its reception (although the mediation of England is in progress) the French Government accepts this war in disguise, this insulting explanation, as entirely satisfactory, and notifies our Government that the money is ready.

The truth is, Mr. Chairman, the message which gave offence, and the message which removed it, are precisely the same. They assert the same charges of want of faith, and contain the same disclaimer; and if one was offensive, the other was. But the secret of the whole matter is, the French Executive never did regard the message of 1834 of so offensive a character as to justify a refusal to perform the treaty. The first discovery that the message was insulting in its character was at home, by the opposition journals. I hold in my hand an article in a very influential journal of this city, in which the message was denounced as offensive, and that the French Government should so regard it. It reads thus:

"Be this as it may, the language held to France in this message must be regarded as most unfortunate, whether we regard the object to be gained, or the evils and dangers to be avoided. If any thing could serve to delay for a long time, if not to postpone forever, the payment of our claims on that Government, it is the tone of intimidation and menace used by the Chief Magistrate on this occasion, should the French nation unhappily not distinguish between the personal opinions and feelings of the individual who occupies that station, and that of the people of whom, in our foreign intercourse, he is the restricted and limited representative. The message, we know, disclaims an intention of menace. But whilst the language of menace is held, the disclaimer will go for nothing—we had almost said, ought to go for nothing—with a proud, fiery, chivalrous, and powerful nation."

This denunciation, with many of the like kind from other journals, reached Paris cotemporaneously with the message. More than this: this article insinuates that the American people regarded the message in this light, and would not sustain the President. In this state of things, the Chamber of Deputies might well conclude, if the American press and a large portion of the American people regarded the message offensive, they would be bound so to regard it themselves; and I have no doubt this was the cause, although I do not intend to intimate it was so designed, why the condition was annexed to the law requiring explanation; and the ascertainment of their mistake in the sentiments of the American people is the reason why a disclaimer in the first message, not sufficient to avoid offence, was sufficient in the second to remove it. The quarrel is ended; and now, sir, those who thought the President desired war, designed war, and would have a war, suddenly ascertain that the whole was a delusion, to practise upon the credulity of the American people for electioneering purposes, and that the President neither designed, desired, nor expected war. Gentlemen were wrong then, and are wrong now, although at opposite points of the compass. The French King and ministry never regarded the message as an act of the Government to which France should take exception; their whole course has been taken in obedience to the condition imposed by the Chamber.

To sustain me in this assertion, I here read an extract from M. Humann's (the Minister of Finance) speech on presenting the bill of indemnity to the French Chambers, January 15, 1835:

"General Jackson has been in error respecting the extent of the faculties conferred upon us by the constitution of the State; but if he has been mistaken as to the laws of our country, we will not fall into the same error with regard to the institutions of the United States. Now, the spirit and letter of those institutions authorize us to regard the document above named (the message) as the expression of an opinion merely personal, so long as that opinion has not received the sanction of either of the other two branches of the American Government. The message is a Government act which is still incomplete, and should not lead to any of those determinations which France is in the habit of taking in reply to a threat or an insult."

Again he says:

"The maintenance of the national dignity was the first object of its solicitude. You know, gentlemen, the means adopted for its security. But as the treaty of July has not become less just or less advantageous; as the conduct of the President of the United States has not disturbed the basis of equality and reason on which that compromise reposes, the Government has persevered in its determination to present it to you again. An engagement has been entered into, and the honor of France requires that it should be accomplished."

Again:

"In thus speaking, we wish only to render due consideration to truths long admitted, to place them in array against passing impressions, and especially to declare that France imputes neither to the people nor to the Government of the United States the sentiments and propositions lately expressed by the President. We willingly view his message to Congress as the hasty act of one branch of the Government only; and the honor of the nation commands us to persist in that honorable course which has ever been the policy of the King's Government."

I think, upon the whole, it is perfectly manifest to

every impartial mind, that there was good cause to expect hostilities, which nothing but the fact (which could not have been anticipated) that France receded from her ground has prevented. In doing so, she has done much to retrieve her character from the dishonor of her first position.

Whether the appropriation for fortifications during the last session was lost by the Senate or House of Representatives, I shall not inquire, not being then a member. The Senate certainly lost the three million appropriation, and, if the necessities of the country had called for it, would have been responsible to the nation; for the provision which they proposed in lieu of it was grossly inadequate. Her apology, that there was no executive recommendation, is answered by the message of the 25th February.

The gentleman from Tennessee says, if the President had seriously apprehended hostilities with France, it was his duty to have called Congress together, to provide the necessary means for defence, and not have waited till the opening of the present session. Sir, the last Congress expired on the 4th of March. The elections in most of the States did not take place till late in the summer and fall; several not till November; so that there was no Congress which could have been called together, unless many of the States had been unrepresented. It was with a view to this state of things that the three million appropriation was made by the House of Representatives.

The honorable gentleman from Tennessee felicitates the country on the great magnanimity and forbearance of France, and its escape from damage and dishonor, under such circumstances of high provocation. Sir, I am astonished at the forbearance of France. What had she to forbear? The full measure of her resentment, for this great outrage upon her susceptibilities, was to withhold the money; and I feel confident, if our Government had pressed the demand no farther, she would have forborne to the end of time.

The whole course of France upon this subject has been one of equivocation, prevarication, injustice, and delay. We had pressed our demands for twenty years. She evaded them, sometimes on the ground that there was nothing due; sometimes that the Government of the Restoration was not responsible for the spoliations of Napoleon; sometimes that other Governments had committed the same outrages, and that we had not pressed our claims to indemnity; sometimes one pretext, and then another; and sometimes the communications of our ministers, pressing our claims, would remain unanswered for months, until finally all hope seemed to be abandoned. After twenty years, however, of vexatious and provoking negotiations and delays, the present treaty was executed; and I have already shown the fidelity and promptitude of its fulfilment. The gentleman ought rather to admire the patience and forbearance of his own Government.

This treaty, Mr. Chairman, although unanimously ratified by the Senate, has been made a fruitful theme of invective and denunciation against Mr. Rives, the minister who negotiated it; and even the French Government has been excused for not performing the treaty, because they had been overreached, although that Government has over and over again disclaimed it. Has Mr. Rives, in this negotiation, secured a larger amount of indemnity than was just? I answer, no. The reports of both the French commission and our own prove that it was not. Has he accepted less than he ought to have done? In a simple calculation of dollars and cents, perhaps he has much less; yet, sir, when in the treaty the obligations of the 8th article of the Louisiana treaty are taken into the account, and the propriety of a compromise of a long-standing controversy, the treaty is a favorable one. I here annex the 7th and 8th articles of the Louisiana treaty, that it may be seen how important that stipulation was:

"Article 7. As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations, for a limited time, in the country ceded by the present treaty, until general arrangements relative to the commerce of both nations may be agreed on, it has been agreed between the contracting parties that the French ships coming directly from France, or any of her colonies, loaded only with the produce or manufactures of France or her said colonies; or the ships of Spain, coming directly from Spain or any of her colonies, loaded only with the produce or manufactures of Spain or her colonies, shall be admitted, during the space of twelve years, in the port of New Orleans, and in all other legal ports of entry within the ceded territory, in the same manner as the ships of the United States coming directly from France or Spain, or any of their colonies, without being subject to any other or greater duty on merchandise, or other or greater tonnage, than those paid by the citizens of the United States.

"Article 8. In future and forever after the expiration of the twelve years, the ships of France shall be treated upon the same footing of the most favored nations in the ports above mentioned."

It produced in its operation a continued breach of the constitution, which requires an equality of duties in all our ports, or it involved the Government in the necessity of making a discrimination in favor of French products greatly prejudicial to our intercourse with other Powers. With the approbation of the Executive, and the unanimous ratification of the Senate, every whisper of complaint should be hushed. In the conduct of that negotiation, Mr. Rives strictly pursued the instructions given him by the Government. He yielded nothing but what he was instructed to yield upon the principle of compromise, not of right, and his course was highly approved by the Government. The skill and talent with which the negotiation was conducted received its merited compliment, both here and in France, and cannot now be disparaged. A paragraph in his letter, announcing the termination of the negotiation, has been seized upon, torn from its context, and charged to him as vanity and braggartism. I invite the most fastidious to read that letter carefully. It will be found that Mr. Rives detailed very accurately the difficulties attending that negotiation; the difficulty in ascertaining the true amount of claims; and was really excusing himself to the Government for taking so little, in the exercise of the discretion with which he had been invested. The opinion which he expressed, as mere matter of probability, as to the real amount of claims, was based, not upon his own estimates, but upon those of Mr. Gallatin, who had examined them at an earlier period than he had; and this is all. The skill, fidelity, and ability of the negotiator, throughout the whole negotiation, is most manifest.

Sir, what is most singular in this business is, that the assertion that Mr. Rives's letter prevented the fulfilment of the treaty by France should be persisted in, in the teeth of the declaration of the French Government to the contrary. I do not allude to the remarks of any gentleman here.

Mr. Chairman, I hope I shall be excused for saying that the result of this controversy has elevated my American pride to the utmost degree of elevation. For the first time in our history, two mighty Kings have condescended to call us a great nation. Our national character, in the eyes of all Europe, has been elevated beyond any former period of our history, and we have every reason to believe that the faith of treaties will hereafter be punctually observed towards us, the course of the admin-

istration having satisfied foreign Powers that the violation of treaties will not be submitted to.

There was one remark made by the gentleman from Tennessee, to which I beg leave to reply. It was, that if war had resulted from our controversy with France, we should have been whipped severely. I heard it stated in an early part of the session, and before the controversy was settled, that one of the Navy Commissioners had declared that, if war ensued, we should be whipped for three years. Sir, I say nothing of the propriety of this remark, pending the controversy, and the influence it might have upon it. But I do not believe that it would have been so. Sir, the last war, with a more powerful enemy, did not last three years; and we were not only not whipped, but brilliant victories crowned our arms. We are not, I hope, the degenerate sons of gallant sires; and, if war had ensued, the glories of our achievements in the late war would still have shone about our flag, and conducted us to victory. Unprepared as we were, our soldiers and sailors, animated by that spirit of liberty which is never felt by foreign mercenaries, would have been an overmatch for all the myrmidons which Louis Philippe could have poured upon us. As to our being beaten at sea, I leave my Yankee friends, who furnish so many sailors, to answer that. All I know is, they are very hard to whip, particularly when prizes are ahead. But, sir, if we should have been whipped, damaged, and dishonored, for the want of preparation, is it not time to prepare against a like danger? And why is there opposition to it? Does not the honorable gentleman himself say it would have been for the want of that very preparation which the administration is now recommending to Congress?

Among the many charges made to affect "the party," as the gentleman calls it, is the caucus system, which he says has been adopted to control public sentiment; a practice which he denounces with bold and unmitigated severity. He makes reference to congressional caucuses, and their repudiation by the Jackson party. I have but a few words to answer upon this subject. Congressional caucuses were for a long time practised during the protracted contest for power between the old republican and federal parties. The practice was introduced for the purpose of concentrating public sentiment upon a single individual, to secure the triumph of the principles of the party, which might be lost by division. All caucuses, conventions, or meetings of the dominant party, have had the same object in view. Since the congressional caucus has been put down, conventions of delegates from the people have been adopted, to effect the same object. These are all acts of the people, which they, or portions of them, be they many or few, have a right to do. The opposition have pursued the same course. They have had their State conventions, and their national conventions, and their legislative caucuses. Even the Tennessee Legislature has recently nominated a candidate for the presidency. By what authority, sir? Not in the discharge of any legislative duty, certainly. No, sir; but of their own free will and accord. Sir, did not eleven highly honorable and intelligent gentlemen, members of Congress, all from Tennessee, among them the honorable gentleman himself, hold a meeting, and recommend a candidate for the presidency, and, I do not doubt, honestly and sincerely? Why, then, is "the party" complained of for doing that which they have a right to do?

[Mr. BELL said that the eleven of the Tennessee delegation, to whom the gentleman alluded, was a meeting of so many individuals, who met not to nominate Judge White; they had no organization; they had no chairman, no secretary; they kept no minutes; they adopted no resolution; they published nothing; it was not intended that any thing should be published; they only met as so many individuals, to ascertain the views of each other; and all they did was to devise the means and come to some virtual resolutions to make their support of Judge White as effective as possible.]

It is true, sir, they had neither president nor secretary; yet their object was the same. They intended to nominate and recommend a candidate for the presidency, and did so; and this is all the caucuses or conventions do. I am not complaining of the act; for the gentlemen did what they had a right to do. I only claim that the party with which I act shall not be denounced by gentlemen who have done the very same thing, in effect, if not in form. The paraphernalia of president and secretary does not alter the object in view. Now, sir, whether eleven gentlemen, however honorable and respectable, or six hundred, have the greater right to nominate a candidate, I leave to the American people to decide. But it seems the Baltimore convention is the devoted victim of every possible denunciation. The recommendation of the Baltimore convention stands upon the same footing with all other like meetings, dependent for the force of its recommendation upon the character and principles of the nominee. But, sir, how long has a Baltimore convention and its nominee been odious in the State of Tennessee? I find a meeting was held in the city of Nashville in 1832, in which the following resolutions were adopted in favor of a convention, and of Martin Van Buren:

"We shall, in all probability, be resolving to no useful purpose, were we to act alone, and nominate a candidate for Vice President, without concert with our fellow-citizens of the other States of the Union who maintain the same opinions, and are inclined to the same political course with ourselves. They might disagree with us as to the man best qualified to fill the station. Several candidates might be voted for at the polls, the election devolve upon the Senate, and other injurious consequences might follow."

"*Resolved*, That in selecting a proper person to be supported for the office of Vice President at the next election, we consider it wise and just to act in concert with our fellow-citizens of the United States, who approve of the measures of the present administration, and who are friendly to the election of our present Chief Magistrate; and that we will not determine on a candidate without seeking their aid and advice in general convention."

"If there be one political evil which pre-eminently afflicts the country, it is angry contentions and divisions growing out of no differences of opinion as regards principles of national policy, but such as are based upon personal considerations—likes and dislikes of political aspirants. This evil we desire to avoid.

"We desire to aid in the elevation of a citizen to this office, who is honest, discreet, and talented, [Mr. Van Buren,] firm of purpose, experienced as a statesman, and dignified as a man; who the country, not himself, will serve; one who, by his past conduct, shall have proven that he will advocate and sustain, if elected, the political doctrines we profess."

These resolutions embrace all the reasons upon which the Baltimore convention was called.

Another meeting was held at the same place in 1835, in which the following resolutions against the Baltimore convention and Martin Van Buren were passed:

"*Resolved*, That, in the opinion of this meeting, a system of controlling elections to all high and important public trusts and offices, by caucus nomination, would be a violation of the spirit of the constitution; that it would inevitably lead to frequent combinations between a few self-appointed leaders of a party, to co-operate in all their movements, and to accommodate their principles to the single object of obtaining power, and of

sharing among themselves and their partisans the offices and entire patronage of the Government; and that such a system, when once sanctioned by the acquiescence of the people, and put into full operation in a majority of the States of this Union, will be fatal to liberty itself.

"Therefore, in opposing the system of caucus nominations, and in opposing the election of Martin Van Buren, who is avowedly the candidate of that system, and of those who seek to make it permanent and universal in elections, both State and national, we do not consider that we do, in any respect, fail in a fair, full, and due support of the present administration."

At both these meetings I find the following gentlemen acting as officers: W. E. Anderson, Joseph Vaulx, George S. Yerger, A. A. Hall, and George C. Childys.

[Mr. Bell said that the nomination of Mr. Van Buren at Nashville, as a candidate for the vice presidency, was the act of a few individuals, and one which gave considerable dissatisfaction in Tennessee. The practice of caucus nominations has always been odious in this State. He said he had been charged in some of the public journals, with being privy to, and consenting to, that proceeding. He neither advised it, nor had any knowledge of it, until information of it reached this place, where he was at the time.]

Sir, I had not heard that the gentleman from Tennessee was there, or that he had any agency in getting up the meeting, nor did I intend to involve him personally in the inconsistency of those who composed it. If this be a Baltimore convention, and the same Martin Van Buren, there has been a most wonderful revolution in the opinions of those who attended the meetings. This is not all, sir; if the sin of the Vice President be that he is the nominee of the Baltimore convention, that which is now a sin with the good people of Tennessee was a virtue in 1832, for they almost unanimously voted for his elevation to the vice presidency, notwithstanding he was then the nominee of a Baltimore convention. Sir, gentlemen who employ these arguments must confide but little in the intelligence and integrity of the people.

There are many charges which the honorable gentleman has made, such as proscription, dictation, &c., which I have neither time nor inclination to answer; they have been so often urged and refuted, that it would be useless to undertake it.

The honorable gentleman thinks it somewhat singular that the gentleman from Maine [Mr. Evans] should be found advocating any measure of the administration. Sir, upon this occasion it is not singular. Yet, sir, that gentleman said but little favorable to the administration; on the contrary, he reprobated it in no measured terms.

The gentleman also attempts to throw the honorable gentleman from Massachusetts [Mr. Adams] into the ranks of the administration; and then attempts to prejudice the administration, by alleging that the gentleman from Massachusetts is consistent with himself; that he has not changed his opinions. But, sir, is it true that the gentleman from Massachusetts has attached himself to the party supporting the administration? If he has, I have not heard him make the avowal. On the contrary, some of the severest thrusts which I have heard given to the administration during this session have been given by that gentleman. If he acts with us, it can only be because he prefers our party to the opposition, although he does not seem to estimate either very highly. Although I have essentially differed with that gentleman upon many important questions, I never doubted, nor can any man doubt, his integrity or patriotism. If, then, he chooses to give his vote and his influence to our candidate, I shall be pleased, although I shall concede to him nothing of principle. Is this, then, sir, an objection to our party? I answer the interrogatory from high authority, the authority of the gentleman from Tennessee himself. In a speech delivered at Nashville last fall, he said:

"It cannot be a serious objection, that Judge White is willing to receive the support of any portion of the opposition which may prefer him to his competitor. This may be a ground of prejudice with heated partisans; but with men of unprejudiced reason it is no objection, and none such consider it so. Connecticut is not the less welcome to the Jackson ranks, nor is she likely to be less efficient in support of the Jackson party, because, at the election two years ago, a portion of the freemen of that State, who lately gave their votes in support of the administration ticket, gave them to the opposition candidates."

If the gentleman's present argument be sound, it is a two-edged sword, and cuts both ways; for what do we see? Judge White, who is sustained by the honorable gentleman, was a strong advocate of the proclamation and force bill, in its strongest features. Governor Tyler, who is attached to the same ticket as Vice President, was the bitter and uncompromising opponent of both. He denounced the proclamation as ultra-federal, and the force bill as a *bloody* and *Botany bay bill*, and gloried that he was the only man in the Senate whose vote was recorded against it. Slight matters of difference are insuperable as to the administration; but opposite, permanent, irreconcilable differences, a matter of small moment, with the opposition.

Now, sir, upon the whole, what are the violent breaches of the constitution by this administration, to which the gentleman refers? Are they to be found in the crippling of the system of internal improvement, the reduction of the high tariff of 1828, the overthrow of the United States Bank, and the defeat of the land bill; or in our extended foreign relations, and increased and increasing commerce, our elevated national character, and the happiness and prosperity of the American people? Judge ye.

With the President's preferences or prejudices I have nothing to do; he is an American citizen, a free man. The office of President does not take from him the freedom of speech, and the expression of his opinions. As to the questions of delicacy and propriety attached to the President as a man, I have no concern; I can only look to the administration of the Government; with this, I am in the main satisfied, perfectly satisfied, and have no regret that I have cordially supported it. The President will soon retire from office; and when the bitterness and asperity of party shall have passed away, and calm and impartial reflection succeed, I do not doubt that the course of the administration will, in the general, be decidedly approved, and the memory of the President honored by most, if not all, of his opponents, for his distinguished and valuable services, both civil and military.

Before Mr. Garland had concluded his speech, which is given in full above, he gave way to

Mr. BOULDIN, on whose motion the committee rose; and then, on motion of Mr. HAMER,

The House adjourned.

Thursday, March 31.

LATE CONTESTED ELECTION.

Mr. HAWKINS, from the Committee of Elections, reported a resolution directing the Clerk of the House to pay to David Newland, Esq., the same amount for pay and mileage as is allowed to members of Congress, to be computed from the day of presenting his petition to the House contesting the election of James Graham, Esq., to the 29th instant, inclusive.

Mr. UNDERWOOD rose to oppose the passage of the resolution. I know, said Mr. W., of no precedent,

no law, and no principle, upon which its passage can be justified. If there be any ground on which members can justify themselves in voting for the resolution, I should be glad to hear it stated.

The sixth section of the first article of the constitution provides that "the Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States." In pursuance of this constitutional requirement, Congress has fixed and "ascertained by law" the compensation of each member of Congress. His *per diem* and mileage are regulated by statute. But the compensation allowed is in favor of members of Congress: those who are rightfully or *de facto* members, and not those who would be members; not to those who claim seats, but never get them; not to those who contest the election of a sitting member, and whose efforts to obtain the seat fail, by the judgment of the House. There is no law, then, which embraces and provides compensation for a case like this. The very fact that it requires a resolution is proof conclusive that there is no law under which Mr. Newland can be paid; and, sir, instead of paying him by law, you are now about to give him, by a resolution of this House, out of the contingent fund, eight dollars per day for attendance here, and eight dollars for every twenty miles travel; and you are about to do this without the concurrence of the Senate, and without the approval of the President, as directed by the constitution. You are thus giving to a resolution of one branch of the legislative department the effect of taking the people's money out of the Treasury in a manner unknown to the constitution, and in direct violation of its plainest provisions.

The resolution proposes to take the money out of the contingent fund of this House. You had as well take money out of that fund to build a bridge, or pave a street, or erect a light-house, or to build a ship, or to pay your soldiers and sailors. I understand the contingent fund is provided by law to defray the expenses of this House; and whatever work and labor this House orders to be done is to be paid for out of it. Thus you pay for printing ordered to be done for the use of the House, and for the services of boys and men in attendance, out of this fund. But what service has David Newland rendered to this House or to the country? What work and labor has he performed, for which he deserves compensation? He was anxious, I admit, to labor with us in a legislative capacity; but this House refused to let him do that, by deciding that he had no right thus to legislate; and now we are called on to pay him, as though he had labored. Thus, sir, you are about to pay full wages when no work has been done, and when you have determined that the man had no right to work! I think the farmers and mechanics of the country will consider it a strange decision. They will never be able to understand how it is proper to pay for work never performed, and which the claimant had no right to perform.

I admit, sir, if Mr. Newland had been entitled to a seat, the case would have been altered. If he had been elected by a majority of the qualified voters of his district, he would then have had a right to labor with us, and we ought to have permitted him to do so; and, in that event, we should, as just men, pay him for all the time he had been waiting here, knocking at the door, and asking to be let in, for the purpose of discharging the duties he had a right to perform. In that case, it would have been no fault of his that he did not work; and it would have been his duty to offer himself, and to make, as it were, a legal tender of his services. Then, when his right was acknowledged, and a seat given to him, his pay should go back, and embrace all the time he had been in attendance, asserting his right to labor. Under such circumstances, Mr. Newland's case would have resembled that of a ploughman, who engages with a farmer to do work, and to begin it on a certain day, and who is prevented from working by the farmer, notwithstanding he tenders himself on the day. If the farmer delays him a week, he should pay for the lost week, because it is the farmer's fault, and not the ploughman's. But we have not delayed Mr. Newland, and wrongfully prevented him from discharging his engagement with the people. We have determined that he never was elected by them; and hence no engagement was ever entered into which he had a right to perform; and, consequently, being deprived of no right, he has no just claim to compensation.

The true principle, Mr. Speaker, is this: Whenever it is the right of an individual to engage in a work or service, and he commences it, or, being obstructed, sets about removing the obstructions, he should be paid for acting; but when an individual conceives that he has a right to do a thing, and that it is his duty to act, if he is mistaken, he has no just claim to compensation, and must blame his own misjudgment for the loss of time, trouble, and expense.

Mr. Newland may have thought conscientiously, for any thing I know, that he was entitled to a seat in this body. If he had made good his claim to a seat, he ought to be paid; but as he has failed, and, as I think, most righteously failed, he must attribute his loss of time, trouble, and expense, to his own misjudgment.

Suppose you pay him, after deciding against him, what will the precedent lead to? Why, sir, the seat of every member of Congress may be contested, and you will be called on to pay the unsuccessful party full wages as a member of Congress during his attendance here, and mileage for coming and going. If the defeated candidates for Congress wish to visit this city, and to spend a pleasant winter in the society of the capital, and their purses should be under par, they will have nothing to do but to contest the seat of the member elect, make noise enough to prove that they are in earnest, and, when they are defeated, call upon this House to pay the costs. Ought you not to enlarge the appropriation proposed in the resolution, if it be right to pay Mr. Newland? Is there not as much propriety in paying the magistrates and witnesses as there is in paying him? He might have staid at home and sent on the depositions; and we, as just judges, could have decided the case as well without his presence as with it. For my part, I do not perceive any necessity for the presence of an individual who contests the seat of a member of this House, provided he forward all the depositions taken. At the same time, I admit there is no impropriety in his attending; and I also admit that his presence may facilitate the progress of the business. It is proper that he should be here in case the decision is in his favor, that he might forthwith take his seat. But, sir, I will not encourage him to come, or to contest the election, by holding out the inducement of a high reward. Should the resolution pass, you offer that reward to those who contest elections and fail. If they succeed, they have the honors and emoluments of a seat on this floor. They therefore play a safe game; for, hit or miss, they are rewarded.

We are about to exhibit to the country a new spectacle to excite the astonishment of the people. We have expelled Mr. Graham from his seat, when it is admitted, I believe, by every member of this House, that he was elected by a majority of the legal voters of his district, if the depositions filed since the report of the committee against him were regarded. We have, however, shut our eyes to the contents of these depositions. Speech after speech was made, attempting to show, upon nice legal technicalities, the propriety of disregarding the conclusive evidence furnished by the new depositions.

I endeavored then to demonstrate that the evidence was legitimate, upon every principle of law and of common sense. The expulsion of Mr. Graham (for I consider it nothing less) proves that my effort failed in convincing the House; for I am not permitted to say that the convictions of members are one way, while their actions are another. The people will be surprised at the conduct of this House in refusing to receive and sustain the truth, as manifested by the new depositions; but they will be astonished, if not amazed, at our conduct in paying two men the wages of members of Congress from the same district. Mr. Graham has been paid, because he obtained the certificate of his election in legal and proper form; and because he has been discharging the duties of the station as a member *de facto*, if not *de jure*. It was his duty to act under the legal certificate of his election, and while performing service required at his hands by that certificate, he was entitled to compensation. But, in behalf of Mr. Newland, you are about to pay him when he has no certificate, when the poll-books do not show a majority of votes in his favor, when the evidence and poll-books both show a majority against him, and when you have sanctioned it by declaring that he was not entitled to a seat. If you can allow double pay, when, under the constitution and laws, there can be but one Representative, you might, with equal propriety, extend the principle, and pay the wages of a member to a dozen individuals, respectively, who may have been candidates for Congress in the same district, and all of whom may contest the election of the sitting member. You cannot limit the number of candidates in a district; and if all who are defeated contest the election, every one will be entitled to compensation, according to the principle of the resolution before us.

I have discharged my duty in making these objections, and I shall listen attentively to every thing which may be urged to prove they are untenable.*

Mr. HAWKINS was in favor of payment, because, if the individual must carry on the contest at his own expense, the result would be that it would be in the power of the sitting member to keep out of his seat a man who had really been elected, but whose pecuniary means would not allow him to contest a seat at his own expense.

Mr. HARDIN formed his opinion on the case of Moore and Letcher, and he should hold the same opinion now. He argued, that when the contest was made bonafide, and not on a mere pretext, it afforded good ground for payment. In such cases, when the election was really doubtful, the petitioner was working not so much for himself as for his constituents; and the expenses, in this particular case, must have been great, to take depositions and ride over the very spurs of the Alleghanies to collect testimony, before the case came to the House. The contingent fund was placed at the disposal of the House, not to be expended according to laws of appropriation, but as expediency or necessity might require. He thought it expedient to pay in this case.

Mr. VINTON considered this, as a mere matter of money, of no consequence; but the precedent would be attended with consequences of which the House appeared not entirely aware. No case had occurred, during the half century the Government had been in operation, in which a person was paid, who claimed a seat, without coming up with a certificate of his election; and it was proper, as many cases like this must have occurred, to pause and consider what consequences would result from such a precedent. If Mr. Newland could take the money, without having the resolution go upon the journal as a precedent, he would not object to it. He thought this a merely judicial question, and he thought the House ought not to hold out encouragement to people to contest seats, by offers of compensation. There was no election where bad votes were not thrown; and in closely contested elections it would be easy to make a pretence of as many bad votes as the certified member claimed majority. The consequence would be, that contests would be frequent; the time of the House would be occupied, to the delay of the public business and the detriment of the public; the worst of feelings would be engendered; and parties would be politically arrayed against each other in the House—all which had been shown in the late contest. Contests, he thought, would certainly be increased; and the House should consider it not merely the pay of the competitors, but the pay of the whole House, during the discussion, and the great delay of business. The case of Potter, alluded to, in the Senate, showed that the principle he now contended for had been established, and that case was an exception; but it was sufficient to show the danger of establishing such precedents. That case differed from this, and could not be properly compared with it; because Potter and Robbins both came up with certificates of election; and it became a question, not of fact, but of constitutional law. The remark, that a poor man might be kept out of a seat, he did not consider as of much force; because, if he had character and influence to have votes enough to claim a seat in the House, he would always have zealous personal and political friends, who would aid him in contesting for his rights. He hoped the resolution would be laid aside for the present, in order that the House might consider the subject, and decide upon it with more deliberation.

Mr. GILLET said the House had agreed to an amendment of a bill from the Senate, to pay Mr. Potter, of Rhode Island, which was very similar to the present case. Mr. Potter had come to the Senate, contesting the seat of Mr. Robbins; and after he was decided against, he was paid by the vote of the members who were politically opposed to him. He hoped the gentleman from Kentucky [Mr. Underwood] would not say that that case was not a precedent. That question came into the House, and it was decided that he should be paid, by a strong vote; and among those who had voted to pay him was the name of the gentleman from Ohio, [Mr. Vinton;] so he considered the House had established a precedent for paying Mr. Newland. The Senate had paid Mr. Potter, because he came before them with a plausible claim to his seat; so it was with Mr. Newland; he had come before the House with what he thought to be a constitutional majority of the people of his district, and the evidence which he brought forward Mr. G. considered just as good as the evidence of a legislative body. He would also call the attention of the gentleman from Kentucky to the case of Moore and Letcher, in the last Congress. After they had discussed the subject for months, they came to the conclusion that Mr. Letcher was not entitled to the seat, and they resolved to send both the parties back to the people. A proposition was brought forward to pay Mr. Letcher; and his friend from Kentucky [Mr. Hardin] moved a clause to pay Mr. Moore also. The previous question, however, was demanded and sustained, which cut off the amendment proposing to pay Mr. Moore. The yeas and nays were ordered on that question; and it was true that the name of the gentleman from Ohio was not among the yeas, but

* The case of Potter, from Rhode Island, and the case of Moore and Letcher, from Kentucky, so far as they have been acted on, and which were relied on as precedents to justify the passage of the resolution, did not, in Mr. U's opinion, possess the least analogy to the case of Mr. Newland; he would have endeavored to prove it, had the debate not been stopped by a call for the previous question.—*Note by Mr. U.*

the name of the gentleman from South Carolina, [Mr. GRIFFIN,] who objected to this resolution, was to be found voting to pay Mr. Letcher, under precisely similar circumstances to the present. Almost the entire opposition in the last Congress were found voting the same way. Now, he would ask gentlemen, who could refuse to pay Mr. Newland who had voted to pay Mr. Letcher?

Mr. BRIGGS said he recollected the vote he gave to pay Mr. Letcher, and he considered it as just a vote as he ever gave; but he would ask the gentleman from New York [Mr. GILLET] if he could find his own name on the list of yeas and nays which he had referred to. He believed the gentleman was in his seat when the yeas and nays alluded to were called, and did not answer to his name; at least, the gentleman was in the hall. Mr. B. voted to pay Mr Letcher, and he should vote to pay Mr. Newland. He hoped justice would be done to Mr. Newland, as well as to Moore and Letcher.

Mr. B. then offered an amendment to the resolution; as follows: "the seat of the said Graham having been vacated upon proceedings had under the petition of David Newland."

Mr. PEARCE, of Rhode Island, said it waswell known to the House that he had been in favor of Mr. Newland from the beginning of the contest, and that he believed him entitled to the seat; but the House had overruled his opinion, and he submitted to their decision. He did not, however, consider the case of Mr. Potter a precedent for paying Mr. Newland; and he could not, therefore, entertaining the opinions he did, advocate the present resolution. He would be glad to see Mr. Newland compensated, if he could do so consistently with what he considered his duty; but he did consider, if they passed the present resolution, it would be setting a precedent for the payment of all the parties to contested elections which might hereafter come before the House.

Mr. HAMER remarked that they had discussed upon resolution the cases of Robbins and Potter, and Moore and Letcher; they had also touched upon the winding up of the last session, and the three million appropriation, and he feared they would next have some remarks about abolition. Believing, however, that every gentleman was prepared to vote upon this proposition, which was one addressed to the sound discretion of the House, he would move the previous question.

Mr. EVANS moved to lay the resolution on the table, and asked for the yeas and nays; which were ordered; when the motion was negatived: Yeas 43, nays 131.

The question being on the second to the previous question,

Mr. PATTON called for the reading of the following clauses of the law making appropriation for the contingencies of the House, in order to show that they had no right to adopt the resolution.

"For stationery, fuel, printing, and all other incidental and contingent expenses of the House of Representatives, two hundred thousand dollars:

"The said two sums last mentioned to be applied to the payment of the ordinary expenditures of the Senate and House of Representatives, severally, and to no other purpose."

The reading was objected to.

The hour of one having arrived, the CHAIR announced the special order.

Mr. HAWKINS moved to suspend the rule, in order to dispose of the resolution which he had reported from the Committee of Elections; which was agreed to: Ayes 105, noes 51.

The previous question was then seconded: Ayes 89, noes 47.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on the previous question; which were ordered, and were: Yeas 101, nays 74.

So the main question was ordered to be taken, and the resolution was adopted: Yeas 124, nays 54.

NAVAL SERVICE BILL.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole on the state of the Union, (Mr. HAMER in the chair,) and, in pursuance of the special order of the 26th of January, took up the bill making appropriations for the naval service of the United States for the year 1836.

The question being on the motion of Mr. BELL to strike out the following clause:

"For the repairs and improvements of the navy yard at Portsmouth, New Hampshire, $67,000."

Mr. GARLAND, of Virginia, resumed, and concluded his remarks, as given in extenso heretofore.

After which, the House adjourned.

FRIDAY, APRIL 1.

Mr. REYNOLDS, of Illinois, asked the unanimous consent of the House to permit him to offer a resolution to suspend the standing order of business for the second Monday in April, so as to give priority on that day to the bill extending the provisions of the pension act of 1832.

Objection being made, Mr. R. remarked that he thought one day at least should be given for the consideration of a measure for the benefit of old soldiers; he would therefore move to suspend the rules, in order to enable him to submit his proposition.

On a count, there appeared yeas 52, nays 49; no quorum.

Mr. HOWELL then asked for the yeas and nays on the motion to suspend the rule, which were ordered, and were: Yeas 78, nays 51.

So the motion to suspend was negatived.

ORDERS OF THE DAY.

Mr. CAMBRELENG rose to make a suggestion to the chairman of the Committee of Claims, [Mr. WHITTLESEY,] which was that, in going into Committee on private bills, it should be understood that any bill which gave rise to discussion should be laid aside; and in this manner a large number of claims, about which there was no difficulty, might be disposed of that day and to-morrow. He referred to the fact that the claim of Jesse Smith and others had occupied the days appropriated to private business for several weeks, and other bills might produce similar delays. In making this suggestion, he would remark that he should feel bound to ask the House to dispose of the naval appropriation bill during the next week.

Mr. WHITTLESEY remarked that the suggestion of the gentleman from New York was in accordance with his own wishes.

Mr. WILLIAMS, of North Carolina, objected to any such arrangement.

The House then went into the consideration of private bills, upon which it spent the remainder of the day.

SATURDAY, APRIL 2.

WISCONSIN TERRITORY.

Mr. PATTON reminded the House that he had given notice of an intention to call up at an early day the bill from the Senate for the establishment of the Territorial Government of Wisconsin. It had been suggested that the present was a favorable opportunity for that purpose. Mr. P. adverted to the peculiar situation of the inhabitants of that Territory, they being entirely without government and without laws. Murders were almost daily committed, and there was no lawful punishment

provided for any crime. He would therefore move to suspend the rules for one hour, in order to consider the bill to which he had alluded.

Mr. JONES, of Michigan, urged the propriety of speedy action on the bill referred to. In addition to the reasons assigned by the gentleman from Virginia, [Mr. PATTON,] he would inform the House that there was no organization of the militia in Wisconsin, and it was desirable that the Territory should be established, and a Governor appointed, who could organize its militia.

Mr. STORER objected to the motion.

Mr. PATTON moved to suspend the rules for the purpose stated; which was agreed to.

The House then went into Committee (Mr. SPEIGHT in the chair) on the bill to organize the Territorial Government of Wisconsin.

Mr. STORER adverted to the report of the proceedings of the House yesterday in a morning paper, (the Globe,) from which it would be inferred that there was already a Delegate from the Territory of Wisconsin. He begged to inquire of the chairman of the Committee on the Territories, if he could inform the House what was the number of inhabitants within this Territory.

Mr. JONES, of Michigan, rose and said that he had twice endeavored to catch the eye of the honorable Speaker, and had twice risen to make the same motion that the gentleman from Virginia had so kindly made. Mr. J. felt the most intense interest in the early decision of this question, which was of such vital interest to this young, flourishing, but long-neglected Territory.

In addition to the arguments so feelingly adduced by the honorable gentleman from Virginia, that the people are now, and have ever been, without the pale of judicial tribunals, Mr. J. had information, upon which reliance could be placed, from the country west of Lake Michigan, in the public newspapers, in letters, and other sources, that the country was on the verge of another horrid Indian war; that the country is wholly unprepared to defend itself, for want of some organization of the militia of the country, and the means of defence. The people are brave, and only want authority to organize, and they will then protect their wives and their children with their own hands. The honorable Secretary of War had informed Mr. J. on Tuesday evening, that he too had received a newspaper with the unpleasant information that an Indian rupture might soon be expected in the Northwest. Shall we, then, ask for the means of defending ourselves from the Government to which we are so warmly attached? He humbly hoped that it would at once be granted, and that the bill now before the House would receive its concurrence with the bill from the Senate, and which had passed through that body without the slightest opposition from any quarter. He hoped that the bill would receive the final action of the House, that the Governor, whoever he may be, may receive his appointment, and at once repair to the Territory, to organize the gallant men who are there now, and who so bravely defended the country in the late war of 1832 with the Sacs and Foxes, Winnebagoes, and other nations.

In the course of the debate on this bill, Mr. J., in reply to an inquiry from the gentleman from Ohio, would state that no complete census of the population of the territory west of the Mississippi river had ever been taken; but he had every reason to believe that the country already contained a population of nearly thirty thousand souls, of the most enterprising and meritorious class of population on the continent of America; and he could not have the slightest grounds to doubt that before the next census for 1840, Wisconsin would present a population for two States, and would, before that time, ask at your hands for admission as States into this Union.

An objection or amendment has been offered to the last section of the bill, which appropriates five thousand dollars to purchase, for the use of the Legislative Assembly and the courts, a library, to contain the laws of the United States and the different States of the Union. Mr. J. stated that he did not know of a single set of the laws of the United States within the bounds of the contemplated Territory. The like favor had been shown to Michigan Territory; and he hoped that this trifling sum would not be used to defer the passage of the bill. The matter of dollars was of little moment to the Territory in this particular; and he would not object to slight objections, but that they would necessarily cause the bill to go back to the other branch for its concurrence. Mr. J. would remind the House that upwards of seventy millions of pounds of lead had been manufactured and raised at the United States lead mines in this quarter, upon which ten per cent., as rent or tithe, had been paid to the Government of the United States. Does this not give us some claim upon the generosity of the General Government? He thought it did; and whilst he was speaking here now, one of his constituents and friends (Col. H. Gratiot, of Iowa county, out of whose pocket and those of the honest and hard-working miners the value of this tithe is taken) is in the gallery of the House, who had paid to the Government upwards of one million two hundred thousand pounds of lead, for which he could now obtain six and a half dollars per 100 lbs., equal to sixty thousand dollars, all costs paid. Does this not entitle him and the people of the country to the patronage and protection of the Government to which we are so affectionately attached? He thought it would with all generous and just minds.

On the question of amendment, as proposed by the honorable gentleman from Illinois, [Mr. MAY,] Mr. J. regretted exceedingly that discussion was about to arise, as that question, it had been thought, had been avoided and settled to the satisfaction certainly of the two honorable Senators from Illinois, and the other part of the delegation in this House, [the honorable Messrs. CASEY and REYNOLDS,] with whom Mr. J. had conversed, and, he had all the while believed, to the satisfaction of the honorable gentleman who now moves it. He does not think that the proposed amendment will alter or affect the question, except to procrastinate its passage. If Congress could, it had already fixed and established the northern boundary of Illinois; and besides this, Mr. J. had had a provision inserted in the bill which expressly declares that nothing contained in the bill shall prohibit the Congress from attaching any portion of the Territory of Wisconsin to any other State or Territory. The amendment, as proposed, is deemed of little or no importance to either Illinois or Wisconsin, except so far as to prevent delay in the passage of the bill, which is to be the constitution or fundamental law for Wisconsin. Mr. J. said he resided but one mile north of the northern boundary of Illinois, was intimately acquainted with the wishes and feelings of the people bordering on the line in Illinois, and knew that there was no anxiety on this subject; and he entreated the gentleman to withdraw his objection, and permit this bill, which was of such deep interest to his constituents, to become a law.

Mr. STORER said he was not opposed to the bill, but he wanted to know the reason why it was attempted to be passed in so unusual a mode. The House would pardon him for making some remarks, because of the peculiar situation of the State he represented, in regard to this matter and the Territory of Michigan. The State of Ohio was not contiguous to this Territory, but was immediately connected in interest with the settlement of this question. There was a bill before the House to determine the northern boundary line of Ohio, which it was much more important should be immediately passed, and he wanted to know why that had been postponed to give way for this. He again said he was

not opposed to this bill, but should vote for it. But what had produced the state of facts that made such a bill necessary? One year ago this Territory was under the supervision of judges appointed by the Executive of the United States. The laws of the United States were in operation then. How is it we are told now there is no organization, and that the doors of justice are closed? It was not the fault of the people of this Territory. Is it the fault of the House? If so, he would leave it to be explained by others. There was, however, a Territory which had cut loose from this district, that had caused the confusion complained of, and raised this whirlwind, which has now come in claiming to be a State of this Union, without waiting for the forms of legislation; and has compelled this section to ask to be erected into a Territory. He could not let this bill go by without expressing his opinions of this proceeding on the part of Michigan, and attempting to put down this most dangerous attempt to become a State without the proper enactments. It was not three years since this hall echoed, as it were, with one voice upon the doctrines of the South in regard to the rights of States. He thought the South was wrong then, and thought so now; but here is practical nullification of a most dangerous tendency. Michigan has now a Governor, Legislature, and judges, in the form of a State Government, and by this act the Territory of Wisconsin is deprived of the usual forms of territorial government. He could not prevent this course; he must be swept along with the current, but he felt bound to enter his protest against such proceedings.

Mr. PATTON thought the gentleman might have found a more appropriate time to offer his remarks. The committee had studiously avoided dragging into the bill any thing touching the boundary dispute between Michigan and Ohio. The difficulty which called for this bill had not grown out of that dispute, but had arisen from an omission in the act establishing the Territory of Michigan, in not extending the jurisdiction of the laws over this Territory. This bill had nothing to do with the boundary in dispute, and he hoped it would not be drawn into the discussion.

Mr. BROWN stated the situation of this question. The act of 1823, which established the Territory of Michigan, only extended the jurisdiction of the laws over three counties of this Territory, and since that time emigration had gone on to a great extent to the westward, and there were now settlers altogether beyond the jurisdiction of the laws. The courts had decided they were without their jurisdiction. Their condition was truly deplorable, and they called upon the Government to interfere. This bill had been carefully examined and passed by the Senate, and he could see no reason for delaying its passage.

Mr. JOHNSON, of Tennessee, moved to strike the appropriation out of the bill.

Mr. JOHNSON, of Louisiana, hoped the motion would prevail.

Mr. PATTON said the object of the appropriation was to furnish some necessary means for the officers of the Territory to start fairly in their legislation. It was merely to furnish books, &c., for the judges and the Government.

Mr. KINNARD was opposed to the motion. Considering, he said, the distance and situation of the Territory, he thought it necessary to make the small appropriation for providing suitable libraries of books of law. He understood that there was not a copy of the laws of the United States in the Territory of Michigan, or in this district.

The question being taken, the motion to amend was lost.

Mr. GRANGER inquired, if the bill should pass, if it would give rise, in its indefinite character, to a similar controversy to that of the boundary question between Michigan and Ohio. He would ask if any one knew what the northeast corner of Illinois was; and that was the starting point for the boundary of this Territory.

Mr. MAY offered two amendments, to describe more certainly certain boundaries between Wisconsin and Illinois:

After the word "Illinois," insert: "commencing at the northeast corner of the State of Illinois, in the middle of Lake Michigan, at 42 deg. 30 min. north latitude."

"And with the boundary of the State of Illinois at 42 deg. 30 min. north latitude, as run and marked by Lucius Lyon, the surveyor on the part of the United States, and John Messenger, the surveyor on the part of the State of Illinois."

Mr. REYNOLDS was in favor of the amendment. He thought the southern boundary had been settled previously, and this bill ought to have reference to that settlement.

Mr. ADAMS said gentlemen seemed to think that the settlement of this question would settle the boundary dispute between Ohio and Michigan; he thought so too. If we settle the northern boundary of Illinois in 42 deg. 30 min., it will settle that question, and nothing else will be left to settle. This was not the first time he had heard of this 42 deg. 30 min. He had heard the very same proposition made in 1830 by the same gentleman. He remembered it, because upon it a discussion arose, and the House did not think proper to adopt the proposition as the boundary line. He hoped the amendment would not be admitted. He had some doubts of its propriety. He hoped, also, that the people of Wisconsin would have some delegate to speak for their rights, not only before the House should settle the boundary, but before they should even pass this bill. The bill only proposed to give the people of Wisconsin a regular and orderly government; but as the people of Michigan had no voice in the House, and as it involved questions the decision of which was important to them, he hoped they would be first heard.

He had hoped there would be no discussion upon the dispute between these States. He hoped it could be settled, without difficulty, as they might require, so as to secure the rights of all the parties. He understood there was a bill in another part of that building calculated to settle the controversy, and he hoped the House would not undertake to settle it beforehand in the way proposed by this amendment, but would wait till that bill came into the House. He alluded particularly to the bill for admitting Michigan as a State into the Union, and for settling the boundary.

Mr. PATTON remarked that, with all due deference to the opinion of the gentleman from Massachusetts, he did not think the right of the people of Michigan affected by this bill. They had set up for themselves, and established a boundary, which they claim to be rightfully settled. This bill does not trench upon their boundary in the slightest degree. So far from it, that these boundaries of Wisconsin leave about twenty thousand square miles of territory to Michigan, which that Territory does not claim, which, if this bill passes, will be allotted to Michigan as a part of her soil. There is another reason, if any doubt yet is left, why no difficulty can arise from the question of boundaries. There is a clause in the bill which provides that Congress may, at any future time, annex any part of this Territory to any of the States adjoining. If it should appear, when the bill should be finally before the House, that any further guards were necessary for the security of other States, or for the settlement of the disputed boundary between Ohio and Michigan, he would not object to amendments for that end.

The committee had wished to avoid all reference to the disputed boundary; they did not mean even to enter-

tain a discussion of it, if it could possibly be avoided. The bill had no reference to that question whatever; it did not settle the boundary in any way; but merely created this Territory, to be bounded by the adjoining States, without stating where were the boundaries of those States. Those gentlemen who spoke of the boundary prematurely raise a question which the bill purposely avoids. It might be that Michigan is right, or that Ohio, Illinois, and Indiana, are right. When that question comes properly before the House, he should give it a dispassionate consideration; but it was not necessary to discuss it in reference to the present bill. He thought, if the boundary dispute could be settled by act of Congress, it had already been done.

By the act of 1834, Michigan thought she had a perfect right to the land which she now claimed. If that right could be taken away, it had already been done. If any act of Congress could settle the boundary, it had been done; for one act declaring the boundary had been passed, and if that would not settle the dispute, another would not do it. He hoped, however, the subject would not be discussed at present, for it had no relation to the bill before the committee; and he hoped the gentleman [Mr. May] would withdraw his amendments.

Mr. MAY was sorry to say that he could not comply with the request, and was about to proceed with some further remarks; but the hour allotted to the sitting of the committee having expired,

Mr. WHITTLESEY moved that the committee rise; which motion prevailed.

The House then went into Committee of Whole, and took up sundry private bills; several of which were reported to the House, ordered to be engrossed and read the third time; and then

The House adjourned.

Monday, April 4.

SURPLUS REVENUE.

The House resumed the consideration of the preamble and resolutions of the Legislature of Kentucky, on the subject of the proceeds of the sales of the public lands.

The question pending was the motion of Mr. Williams, of Kentucky, to refer the resolutions to the Committee of Ways and Means, with instructions to report a bill appropriating to the several States, for a limited time, the proceeds of the sales of the public lands, for purposes of internal improvement and education.

Mr. HAWES continued the remarks which he commenced on Monday last, and proceeded until the expiration of the morning hour.

Mr. WISE asked the consent of the House to submit the following resolution:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the agency or mode of selecting the banks of deposite for the public money, and into the contracts with the Treasury Department, by which they are regulated, and into the manner in which, and the persons by whom, such contracts are made; and to inquire whether any, and if any, what connexion or relation, official or unofficial, exists, or has existed, between a certain Reuben M. Whitney and the Treasury Department of the United States, or between him and the banks of deposite of the public money; and into the extent of his agency generally in keeping and controlling the public money; and into the amount of his compensation, whether the same be paid out of the public Treasury or by the deposite banks; and that said committee have leave to report by bill or otherwise.

Objection being made, Mr. WISE moved to suspend the rules to enable him to offer his resolution, and asked for the yeas and nays on the motion; which were ordered; and were: Yeas 84, nays 90, as follows:

Yeas—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bell, Bond, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, John Chambers, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Forester, French, Philo C. Fuller, James Garland, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Haley, Hiland Hall, Hard, Hardin, Harlan, Harper, Albert G. Harrison, Hazeltine, Hoar, Hopkins, Howell, Ingersoll, William Jackson, Janes, Jenifer, Henry Johnson, John W. Jones, Lawrence, Lay, Luke Lea, Love, Lyon, John Y. Mason, Maury, McCarty, McComas, McKennan, Milligan, Morgan, Owens, James A. Pearce, Peyton, Reed, Ripley, Robertson, William B. Shepard, Augustine H. Shepperd, Spangler, Standefer, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, White, Whittlesey, Lewis Williams, Sherrod Williams, Wise—84.

Nays—Messrs. Barton, Bean, Bockee, Boon, Bovee, Boyd, Brown, Burns, Cambreleng, Carr, Casey, Chaney, Chapman, Coffee, Connor, Craig, Cushman, Dromgoole, Efner, Fairfield, Farlin, William K. Fuller, Galbraith, Gillet, Glascock, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Job Mann, Martin, William Mason, Moses Mason, May, McKeon, McKim, McLene, Montgomery, Moore, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Roane, Schenck, Seymour, Sickles, Smith, Speight, Sutherland, John Thomson, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks—90.

So the motion to suspend the rules was negatived.

Mr. PEYTON asked the unanimous consent of the House to submit the following resolution:

Resolved, That the bill reported by the Committee of Ways and Means, entitled "A bill regulating the deposites of the money of the United States in certain local banks," together with any amendments which may be offered to the same, be made the special order of the day, and that it have precedence over all other business of the House, from the hour of one o'clock on the second Monday in May next, and on each succeeding day, from the same hour, Fridays and Saturdays excepted, until the same shall be finally disposed of.

Mr. CAMBRELENG pledged himself to the gentleman from Tennessee, [Mr. Peyton,] that he would take the earliest opportunity to call up the bill referred to in the resolution. He hoped, however, the House would make no more special orders until the appropriation bills were disposed of.

Objection being made, by several members, to the reception of the resolution,

Mr. PEYTON moved to suspend the rules, to enable him to submit it, and asked for the yeas and nays on the motion; which were ordered, and were:

Yeas—Messrs. Chilton Allan, Heman Allen, Ashley, Bell, Bond, Briggs, Bunch, J. Calhoon, W. B. Calhoun, Carter, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Forester, French, Philo C. Fuller, Granger, Graves, Grayson, Grennell, Griffin, Hard, Harlan, Harper, Samuel S. Harrison, Hoar, Howell, Huntsman, Ingersoll, William Jackson, Janes, Jenifer, Henry, Johnson, Lawrence, Lay, Luke Lea, Love, McCarty, McKennan, Milligan, James A. Pearce, Peyton, Reed, Robertson, Augustine H. Shepperd,

Shields, Spangler, Standefer, Storer, Taliaferro, Waddy Thompson, Turner, Underwood, Vinton, Washington, White, Whittlesey, Lewis Williams, Wise—68.

NAYS—Messrs. Adams, Anthony, Barton, Beale, Bean, Bovee, Boyd, Brown, Burns, Cambreleng, Carr, Casey, Chaney, Coffee, Coles, Connor, Craig, Cramer, Cushman, Doubleday, Dromgoole, Efner, Fairfield, Farlin, William K. Fuller, James Garland, Gillet, Glascock, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Hubley, Huntington, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Lucas, Job Mann, Manning, John Y. Mason, William Mason, Moses Mason, May, McKeon, McKim, McLene, Montgomery, Moore, Morgan, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Sickles, Smith, Sutherland, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, Sherrod Williams—98.

So the motion to suspend the rules, for the purpose indicated, was disagreed to.

Mr. PEYTON gave notice that, as he considered the bill referred to in his resolution an important one, he should renew the motion at some convenient time.

The CHAIR announced the special order of the day, being the naval service bill.

Mr. EVANS moved to suspend the rules, for the purpose of calling the States for petitions.

Mr. CAMBRELENG suggested, as there could be but few petitions, (several having been presented on Friday by common consent,) the motion to call the States for them was unnecessary, as they could be presented in the morning by common consent.

The motion of Mr. EVANS was lost, without a count.

Mr. CAMBRELENG moved that the House resolve itself into a Committee of the Whole, for the purpose of taking up the special order.

Mr. LAY asked the consent of the House to present several petitions.

Objection being made, Mr. L. moved to suspend the rules, in order to enable him to present the petitions referred to, and asked for the yeas and nays on his motion.

The House refused to order the yeas and nays, and negatived the motion to suspend, without a count.

NAVAL SERVICE BILL.

In pursuance of the special order of the 26th of January, on motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. HAMER in the chair,) and resumed the consideration of the bill making appropriations for the naval service of the United States for the year 1836.

The question pending was the motion of Mr. BELL, to strike out the following item:

"For the improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, sixty-seven thousand dollars."

Mr. JARVIS, who was entitled to the floor, rose and addressed the Chair as follows:

Mr. Chairman: Were it not for the daily annunciation made by you, upon resuming the chair, that the question before the committee is upon the motion of the gentleman from Tennessee, to strike out of the bill which is under consideration the appropriation of $67,000 for the repairs and improvements of the navy yard at Portsmouth, it would be difficult to determine upon what subject we are called upon to deliberate. The debate has been of such a rambling character, that the true question before the committee has been nearly kept out of view. Upon the two motions of the gentleman from Tennessee, [Mr. BELL,] first to reduce the appropriation for the New Hampshire navy yard one half, and afterwards to strike it out altogether, we have had arguments upon the expediency of reducing the number of navy yards, of creating a new one upon the shores of Narraganset bay, and of expending three millions of dollars upon the navy yard at Penascola. We have had a touch upon fortifications, on ship building, on nullification, with a sprinkling of disunion. We have heard also about the Bank of the United States, and the gold currency, and the surplus revenue; office-holders have come in for their share of notice, and there have been eulogies upon Senators and engineers, and attacks upon the present and all preceding administrations. It is unnecessary to say that there have been diatribes against the President, for no debate would be perfect without that ingredient. Sir, this little navy yard of the Granite State has been prolific as Pandora's box; and there is hope too at the bottom, that after gentlemen shall have blown off their steam, and been allowed at pleasure to confound the freedom of debate with its licentiousness, the business of the nation will be suffered to proceed, and a vote to be taken upon the navy bill, before the service has seriously suffered for want of the appropriations.

The gentleman from Tennessee, whose motion is the cause of all the delay which has occurred in the progress of an appropriation bill, which contains nothing of an obnoxious character, nothing which heretofore, in the utmost bitterness of party feeling, would have prevented its immediate and undisputed passage, after being a member of this House for eight years, and after having voted hundreds of thousands for these navy yards which he would now abolish, pounces, on a sudden, upon an old report of the Navy Commissioners, which had been repudiated by the subsequent and continued action of Congress, and consigned to that receptacle of things forgotten on earth—the document library of this House—and, in virtue of this document, delays the navy appropriation bill, and calls upon us to stop and inquire with him into the expediency of reducing the number of our navy yards.

Sir, I must confess myself disappointed in the course of that gentleman. Having constantly voted with him until now upon all the eventful questions which have thrown an intense interest over the passing history of Congress for the last five years, and having seen in the public journals, during the last year, while he was a candidate for re-election, the professions of his attachment to the administration, I was not prepared for this opposition. The administration is the same administration heretofore supported by him; it is pursuing the same course heretofore approved by him, and not by him alone, but by a large majority of the people of the United States, from Missouri to Maine—and yet he styles his old political friends, with whom he has stood shoulder to shoulder, in so many trying scenes, the gentlemen on the other side! He has left us, then! He has abandoned us for the enemy! Instead of being a distinguished supporter and champion of the administration of the favorite son of Tennessee, he seeks to thwart and embarrass it! Sir, I wish him joy of his change.

I pray the committee to bear in mind the nature of the bill against which his opposition is first directed. It is a bill making appropriation for naval service, reported in the usual form, by the usual committee, upon the usual estimates. It is a bill providing for the pay and subsistence of our officers and seamen, for the repair and equipment of our ships, and for the improvement and repair of our navy yards. During the time that I have had a seat on this floor, a bill of a similar character has been passed early in each succeeding session, without

question and without delay. I pray the committee also to recollect the time when this opposition was first manifested. It was at the time when a war cloud was lowering over the country, when a contest was expected with the second maritime Power in Europe, and when the uncertain character of our foreign relations rendered it necessary for us to urge with all possible haste our preparations for defence. It is a time like this, and upon a bill of this description, that the gentleman from Tennessee selects to break ground against the administration. But whence the sudden flood of light which has gushed upon his benighted eyeballs, disclosing deformity where all before was fair? Is it a "Sun" beam reflected from the "*Drapeau sans tache*," from the "spotless banner," unfurled as a signal, and adopted as a marvellous proper warcry by a certain little knot of politicians, and fastened on them in utter derision by those against whom it was vainly raised.

Let us examine the grounds upon which the gentleman has placed his opposition to the bill. He says there are too many navy yards. I would ask if this question is never to be settled. Sir, the six navy yards upon the Atlantic were established prior to the administration of Mr. Jefferson. The questions of the expediency of reducing their number and of changing their location have been repeatedly before Congress, and the result has uniformly been the same, namely, an implied refusal to make any change, and a determination to continue the yards as at present established, manifested by additional appropriations for their improvement. This was the constant course until the year 1827, when the 19th Congress seemed decided by its action to remove all doubt. In that year, the Committee on Naval Affairs of the House reported against the establishment of navy yards at Baltimore, Narraganset bay, and New London; and an act was passed for the gradual improvement of the navy of the United States, the 6th section of which is in the following words:

"*And be it further enacted*, That the President of the United States be, and he hereby is, authorized to cause the navy yards of the United States to be thoroughly examined, and plans to be prepared and sanctioned by the President, for the improvement of the same, and the preservation of the public property therein; from which plans no deviation shall hereafter be made but by his special order."

In pursuance of this authorization, the President caused the several yards at Portsmouth, Boston, New York, Philadelphia, Washington, Norfolk, and Pensacola, to be surveyed, and plans to be made, which were approved by him, and are now to be seen in the office of the Navy Commissioners. It is for the purpose of carrying these plans into effect that the appropriations are asked for now as they have been in every preceding year of this administration, which, in this respect, has only followed the example of the administration to which it succeeded, in pursuing what seemed to be the settled and invariable policy of the country.

From the time when the first stroke was struck upon our navy yards, up to the time when the gentleman from Tennessee was first called to give his powerful aid in the councils of the nation, which was the very epoch of the passage of the act to which I have referred, a period comprising twenty-seven or twenty-eight years, the whole amount of the appropriations for all our navy yards was only $3,106,200. During the time that gentleman has been in Congress, the amount appropriated for the same yards has been $2,248,123; and if we add thereto the cost of the dry docks at Norfolk and Charlestown, which have both been constructed within this period, the honorable gentleman will have sanctioned or permitted an expenditure upon these navy yards, some of which now give him so much uneasiness, of $3,868,890! Sir, the gentleman has placed himself in an unpleasant dilemma. If these establishments were not necessary, how can he justify himself for permitting so large an expenditure upon them, without one word of caution or expostulation? If they were necessary, what reason, what excuse, can he offer, for arresting the progress of this appropriation bill through his opposition to them?

It would seem to be almost superfluous to enter into an argument to show the impolicy of reducing our navy yards; but I will, nevertheless, ask the indulgence of the committee for a few minutes to enable me to glance at this question. The French have a proverb, that "a mouse with one hole is soon caught." This saying is peculiarly applicable here. If we had but one or two naval stations, how easy would it be for an enemy that was powerful upon the ocean to blockade our whole fleet: increase the number to what we now have, and it becomes impracticable. Besides, if an enemy were to attack and succeed in destroying one of our seven naval arsenals, the shock would scarcely be felt; but if all our naval stores were concentrated upon one or two points, the destruction of either would be a blow from which it would be impossible to recover during the continuance of a war, and which might produce a disastrous issue to the conflict. Again, by having our navy yards scattered along our extensive coast, much greater activity might be given to their operations in time of war, as the services of all the ship carpenters in their immediate neighborhood could be secured; whereas, whether the establishments were large or small, no more ship builders could be procured to labor in them than were to be found in their vicinity, unless at an increased expense. Our people are migratory in their disposition; but they are also a calculating people. When they pull up their stakes, it is because they expect to find greater profit and advantage from setting them down elsewhere. Sir, they will not suffer you to transplant them, unless you make it for their interest. You may carry your establishments to them, but you cannot bring them to your establishments. The whole power of the United States has been exerted in vain to build up one city, while villages, towns and cities, have started up, as if by magic, without our aid or the aid of the States, in every section of our country. The gentleman from Tennessee cited the example of Great Britain, as conclusive against the multiplication of navy yards. He represented that nation as having only two great naval establishments, and of course referred to those at Portsmouth and Plymouth, Sir, I know not what that gentleman may consider as great naval establishments, but in England there are seven dock yards, the least of which is far superior to the greatest of ours. Four of these are between London and the mouth of the Thames; they are situated at Deptford, Woolwich, Chatham, and Sheerness; then come the two great yards of Portsmouth and Plymouth upon the shores of the English channel; and then at the confluence of the Bristol and St. George's channels, in the magnificent harbor of Milford Haven, is the new establishment of Pembroke, which it is the intention of the British Government to make one of the first, if not the first naval station in the world. This is the farthest from London of all the docks, and yet the distance is only 237 miles. I will mention a few of the improvements at some of the establishments which the gentleman considers of an inferior class.

The dock yard at Deptford contains thirty-one acres; it has two wet docks, one of which covers an acre and a half, and the other two acres; it has three building slips for men of war, a basin, two mast ponds, twenty forges for anchors, besides mast houses, timber sheds, &c.; there are employed in it, in time of peace, one thousand artificers.

The dock yard at Woolwich is a mile long. It has two dry docks, several slips for building, three mast ponds, a boat pond, a ropewalk 400 yards long, and employs 1,500 workmen in time of peace.

The establishment at Chatham is one mile in extent along the river. It has two basins, four docks, six building slips, twenty-one forges, storehouses six hundred and forty feet long, a sail loft two hundred and nine feet long, and an extensive ropewalk.

The yard at Sheerness contains sixty acres. It was formerly used only for building frigates, and for making slight repairs, but it has been rebuilt since the peace of 1815, at a cost of $14,400,000, and is, perhaps, the first in Europe; it has an extensive key wall, a basin capable of containing six first-rate ships of the line, two basins for smaller vessels, three dry docks, and the largest storehouse in England.

In France there are no less than thirteen naval establishments, of which I will enumerate five, which are infinitely superior to any thing we can boast of. These are the works at Cherbourg, in the English channel, where the labor of man has, by raising an artificial island, created a secure roadstead, and where a superb basin, large enough to contain a fleet, has been blown out of the solid rock. Then there is Brest, at the mouth of the channel; the establishments in the Loire, and at Rochefort, in the Bay of Biscay; and at Toulon, in the Mediterranean. Sir, I hope that our self-conceit may not lead us to suppose that we are wiser than all the rest of the world, and that a policy, pursued unvaryingly by all the administrations of Great Britain, and by all the Governments of France, will not be rejected without mature deliberation—more deliberation than can or ought to be bestowed upon it as an incident to an appropriation bill. It is a policy, too, which is better calculated for our confederacy, and more imperiously required by us, than by either of the nations to which I have referred. The vast extent of our seaboard, and the consequent impossibility of a concentration of our physical means, call loudly for this system. The very nature of our federative republic makes it one of indispensable necessity; a necessity which does not exist elsewhere, but which has never been lost sight of by any administration, as is shown by the endeavor to apportion, as far as practicable, the expenditures of our Government among the different sections of our country.

With regard to the appropriation which is required by the Navy Commissioners for the Portsmouth navy yard, it is less by $26,000 than the estimate made by the commander of that yard, who is not an Eastern man, and who can have no interest in the appropriation but the interest of his country. Since the proposition was made to reduce this expenditure, I have received a letter from the lieutenant of that yard, who does not expect to be continued there, who is not a citizen of New Hampshire, and whose pecuniary interests cannot in any way be affected by the decision of Congress in this matter. He writes to me, that the appropriation is absolutely necessary; and that the timber at that yard has suffered heretofore for want of suitable accommodations. Methinks it would be quite as prudent to rely upon the estimates of the Navy Commissioners, confirmed as they are by the impartial and unbiased opinions of the officers of the yard, as to take a leap in the dark with those who determine, without showing any grounds for their decision, that the appropriation ought to be reduced.

Sir, I perfectly agree with my honorable colleague who sits before me, [Mr. EVANS,] in his contempt of the argument resorted to by a Portsmouth newspaper, and transferred to the columns of the Globe. I trust that, in the location of our public works, we shall never debase ourselves by investigating the state of the ballot-box. If we stooped to this inquiry, we should have nothing permanent, and every thing would depend upon the changes in the political atmosphere. The only inquiry for us to make is, whether the appropriations are necessary and proper. If they are, let us grant them, though every vote in the place where they are to be expended should be given against the administration; if they are not, I say let them be withholden, though every vote in that place should be such as the majority in this House could desire.

In the article referred to by my honorable colleague, I was amused by the rhodomontade of the writer, in calling the harbor of Portsmouth the best harbor in the world; but I am not disposed to quarrel with him for the extravagance of his eulogy. Sir, this is the only harbor of the State; it is the poor man's ewe lamb, and it is no wonder that they are disposed to praise and to cherish it. There is no doubt, however, of its being a very good harbor, and a navy yard is well situated there, as an adjunct to that of Boston. It furnishes a good port under their lee to all vessels bound to Boston from the east, and that may not be able to weather Cape Ann, the eastern point of Boston bay. If they should fall to leeward of this cape, they can up helm and bear away for Portsmouth, where they are at once in from sea, and safe from storm.

Sir, I should not have said a word respecting the advantages of my own State, if another member from it had not spoken in doubtful terms of them, in his eagerness to sustain the New Hampshire navy yard; and if the honorable gentleman from Virginia who preceded me in this debate had not made an argument for that yard, "on the score of the benefit it was to Maine." The State of Maine derives no advantage whatever from the location of this navy yard on her western frontier, and I trust the gentleman from Virginia will permit me to set him right in this particular. And with regard to the natural advantages of the seacoast of my own State, in comparison with Portsmouth, I am sure that I shall be sustained by every one acquainted with the shores of the United States east of Boston, in the assertion which I here make, that as harbors of refuge, as situations for navy yards, as stations for fleets, there are many harbors in Maine decidedly superior to that of New Hampshire. Among many others, I will mention Wiscasset, where a fleet of the largest size may ride in safety in from five to twelve fathoms water, on good holding ground, perfectly landlocked and secure from the enemy; Booth bay, so well known to our numerous coasters, and in which I have counted more than seventy vessels, which had sought shelter there at the same moment from the threatning of a storm; the waters of the Penobscot, in which, among other harbors, is that of Castine, which the British know so well how to appreciate, and of which it is said, in a report of Commodore Bainbridge, "that it has great strength from its natural situation. Its bold water and excellent harbor, affording shelter for the largest fleets, its accessibility at all seasons of the year, its favorable situation for the entry of prizes, &c., and its geographical position, make its possession an object of the highest consequence in the event of another war with Great Britain." The only other harbor which I will mention is the magnificent sound, running up into the heart of Mount Desert, where all the navies of the world might ride in security, perfectly sheltered from wind and sea, and which, if it belonged to any other State, would be the theme of many an elaborate encomium, and the occasion of many a long speech. Several of these harbors have the advantage which the gentleman from Rhode Island claims exclusively for Narraganset bay—that of being accessible with a northwest wind. They do not, like that bay, labor under the disadvantage of being easily blockaded; and by their position, stretching into the Atlantic, they are very important in a military point of view. Sir, my honorable colleague [Mr. EVANS] said

there were more harbors in Maine than on the whole south Atlantic frontier. He would have been nearer the mark, if he had said there were more good harbors in Maine than in all the rest of the United States.

The gentleman from Massachusetts on my right, [Mr. PHILLIPS,] found a novel reason for opposing this bill; or, rather, he found two. The first was, that there was a balance of appropriations. Sir, if the gentleman had examined this matter, he would have found that, from the institution of our Government, the average of the balances of appropriations was about 37½ per cent. Sir, these balances arise from the very necessity of the case. The estimates for the service of the ensuing year must be made before the 1st of December, and the supplies may not be voted before a quarter or third of the year has elapsed. Until the act has passed, no contracts can be made, no engagement entered into. So that, though the supplies are nominally for the calendar year, yet in reality they are for twelve months, beginning with the month of May. If the whole amount of the appropriations should, therefore, be inconsiderately expended before the month of January, there would be a cessation of labor on all the public works for nearly, if not quite, one third part of the year. Besides, payments are not made until the work is executed; and unforeseen causes may prevent or retard the fulfilment of contracts; or the very nature of the contract may require more time than a year for its completion, or the contractor may entirely fail to comply with his engagements; in all which cases balances must of necessity be accumulated. As an instance in point, may be adduced the large balance under the head of ordnance and ordnance stores. The amount applicable for the service of the year was $32,745 72. The amount expended was only $12,809 67; the reason for which was, that the gunpowder, which has been furnished on contract, did not stand the severe tests required by the Navy Commissioners, and proposals had to be issued anew, under which the powder has not yet been furnished, though contracted for. The second reason of the gentleman for opposing the progress of this bill was that we had no account of what part had been expended of the sum which was voted last year, for the repairs in the Portsmouth navy yard--the enormous sum of four thousand dollars! Really, sir, this looks too much like trifling. The gentleman is ready to vote the public treasure with an unsparing hand, to furnish a capital to his mercantile friends in New York, but not a cent will he vote for repairs of navy yards, until he has the proof that the unconscionable sum of four thousand dollars has been judiciously expended "in mending windows, replacing slates upon the roofs, stopping leaks," &c. Sir, it is the business of the Auditor to settle accounts, and to them we had better leave it.

The gentleman from South Carolina [Mr. THOMPSON] rose apparently with a predetermination to find fault with every thing emanating from the administration. He began by denouncing as most extraordinary, the manner in which this bill was introduced. Sir, I have already stated that it was introduced in the usual manner, and I challenge any gentleman to prove the contrary. He then objects to the bill for being in driblets. What would the gentleman have? Does he wish that we should vote at once the sums which may, in a series of years, be expended in each of the navy yards? Sir, it would be in vain to attempt to please any person, who is resolved upon being displeased. To make our navy yards what they ought to be, would require an appropriation ten times as great as the present estimates. Suppose such a bill had been introduced, and I ask what would have been the language of that gentleman, and of those who act with him? We should have heard the changes rung upon bribery, corruption, and extravagance, and wasteful expenditure, in good set phrases, and the administration would have been asked, and very pertinently too, why it deviated from the beaten track in asking for greater appropriations than it was possible to expend during the year?

The gentleman says that the appropriations are not fairly distributed, and his observations are calculated to produce a state of irritation at the South, by instilling the very unfounded suspicion that justice has not been done to that section of the United States in the expenditure of the revenue. In order to establish this position, he is reduced to the necessity of making a novel and somewhat remarkable division of the United States. The twelve Atlantic States, from Maine to Virginia inclusive, he calls the north Atlantic; North Carolina, South Carolina, Georgia, and the eastern shore of Florida to Cape Sable, he calls the south Atlantic; and from Cape Sable to the Sabine, he denominates the gulf district. He considers Maryland and Virginia unworthy to be classed with South Carolina. He has cast them off from the South, and has joined them to the Eastern and Middle States. Sir, I accept the division. The Eastern and Middle States are ready and willing to be classed with the Ancient Dominon; her services in the early days of our republic, in the days of trial and peril, can never be forgotten; we take pride in her great men of those days, and we claim them as the common property of our country. The gentleman has divided the States to suit his purposes; but will they stay divided? Will North Carolina suffer herself to be cut off from her old associates? North Carolina, whose conduct, as a member of this confederacy, is a model for the imitation of the other States; contented, magnanimous, moderate in her demands, and never urging them with importunity; neither rash, nor boisterous, nor impetuous, nor vainglorious, she vaunts not herself; and, satisfied with her honorable rank among her sister States, looks calmly down upon the turbulence of her Southern neighbor. Will she give her consent to this arbitrary division? Never, sir, never! Is there any greater hope of Georgia? Ask her representatives, and they will tell you it is equally forlorn. Even Florida disclaims all wish to avail herself of the invidious partition. She complains not of partiality; she declares through her Delegate that she is satisfied with the treatment she has received from her Eastern friends; she asks not for such help, nor such defenders. What, then, has become of this southern Atlantic division? Renounced by North Carolina, repudiated by Georgia, rejected by Florida; what is there left of it? In the expressive phraseology of the West, there is left hardly a grease spot!

In order to make out his charge of partiality in the expenditure of the revenue, the gentleman from South Carolina gives to the north Atlantic all the expenditures for the navy. Is it come to this? Is the navy, for the purposes of party, to be made a sectional concern? Does the honor, which radiates from our flag wherever the stars and stripes are seen to float, belong exclusively to the North? Are the skill, and the valor, and the illustrious deeds of our small but truly gallant navy, the pride and the property of only the Northern portion of the confederacy? Is the respect which the renown of that navy has inspired for the United States, wherever waves can waft or winds blow, a sectional concern? Sir, the gentleman from South Carolina may refuse to claim any portion for his State, but I trust she will not regard him as a faithful representative, in this particular, of her opinions or her feelings. And sure I am that there is not another State in the Union that will be willing to relinquish its share of the imperishable glory which that navy, common to us all, cherished by us all, has shed over the whole United States! Sir, upon examination of the Navy Register, I find that there is not a State or Territory which has not contributed officers to the naval service. And where

are our ships employed? At the North? No, sir! upon the shores of the gulf frontier of the United States; in the West Indies; in the Mediterranean; on the coasts of Brazil and Africa; in the Pacific, and in the East Indies; every where protecting our commerce, giving security to our mariners, and extending the name and the fame of our country. With what propriety, then, can the appropriation for our navy be called a sectional appropriation?

Then, sir, there are the expenses of the five recruiting stations which are to be charged against the North. These are established at Boston, New York, Philadelphia, Baltimore, and Norfolk.

And where else, let me ask, should they be placed. They are placed in those ports where most seamen are to be found for the service of the navy, and it would be idle to place them elsewhere. Of what avail would it be to have a recruiting station at Charleston or Pensacola, where out of 6,706 seamen who were registered in the different ports of the United States, only 47 were registered at Charleston, and only 23 at Pensacola? Another reason for not shipping our seamen at these ports, if indeed another reason were wanting, is equally conclusive. It is, that the wages of seamen in the South are so high that it would be inconsistent with economy to ship them; for it would be impossible to procure them at the rate which is paid in the northern Atlantic ports. Sir, while the complaint was fresh upon the lips of the gentleman from South Carolina, a letter was received at the Navy Department from the commandant of the navy yard at Pensacola, giving information that, in consequence of slave labor being at seventeen dollars, he could not procure seamen for twelve dollars a month, (the price allowed in the navy,) and asking leave to procure them at the former price.

And while upon the subject of wages, permit me to notice the position taken by the gentleman from South Carolina, that in consequence of the cheapness of slave labor, the expense of ship building is much less at the South than at the North. Sir, according to the old saying, "an ounce of practice is worth a pound of theory," an experiment was made of the cost of building at our several ports. The John Adams was built at Charleston, and the Adams was built at New York. These vessels were of the same size. The cost of the former was 113,505 dollars and 72 cents, and the cost of the latter was 76,622 dollars and 27 cents; the expense of the Charleston vessel exceeding that of the New York vessel $36,883 45. The frigate Philadelphia was built at Philadelphia, and cost $179,549; the frigate Chesapeake was built at Norfolk, and cost $220,677. These frigates were of equal size, and the difference of cost in favor of the Northern frigate was $41,128. The frigate President, which was built at New York, was 400 tons larger than the Chesapeake, and cost only 233 dollars more. The comparison in every instance is in favor of building at the North. And yet we are to be told that economy requires that we should build at the South.

The result was the same in the construction of the docks at Norfolk and Boston. These docks are of the same size, and are built of the same materials; the one in Boston cost, in round numbers, $677,000, and the dock at Norfolk cost $950,000. I am aware that a part of this difference may have arisen from difference in the cost of materials, from greater difficulty in excavation, and in preparing the bottom of the dock for the reception of the masonry; but certainly a fair object of comparison is the cost of the labor in the masonry of the two docks. The labor in the masonry of the dock at Boston cost $123,502 60, and at Norfolk $201,816 79, or 63 per cent. more. Soon after I had become acquainted with the fact of this great difference, I had an opportunity of asking the cause of it, of the able engineer under whose superintendence both docks were constructed. He told me it was because more work was done for the same money at the North; that though the nominal price of labor was less at Norfolk than at Boston, yet the difference in the amount of labor performed was much greater in favor of the latter.

The gentleman complains of the administration because a dry dock has not been constructed at Pensacola, and insists that authority was given for this purpose nine years ago. Sir, authority was given at that time to the President by law, viz: on March 3, 1827, to cause two dry docks to be constructed; one to the North and the other to the South of the Potomac; and in the exercise of the discretion confided to him, the navy yards of Charlestown, near Boston, and of Gosport, near Norfolk, (the latter being the extreme point of our coast towards the South, where there was water sufficient for our large ships,) were selected for the sites of the two docks, which were begun in 1827, and finished in 1833; and the requirements of the law were thus complied with. Upon what ground, then, does the gentleman assert that authority exists for constructing a dry dock at Pensacola? He tells us, with a sneer, that the Navy Department appears to be ignorant of this fact; and well may it be so, for no such fact exists.

Not only, sir, were there no instructions given by Congress for the construction of a dock at Pensacola, but it is also evident that no such intention existed; for, in the very law to which I have referred, and in the next section to that which authorizes the two docks which have been built, we find this authority is given to the President: "to cause the necessary examinations and inquiries to be made, to ascertain the practicability and expediency of erecting a marine railway for the repair of sloops of war and other vessels of an inferior class, at Pensacola; and if it should appear, from such inquiry and examination, that such railway would be useful to the navy, and can be constructed at a reasonable expense, that he cause the same to be constructed." Now, is it not apparent, from this section, that it did not enter into the intention of Congress to have Pensacola selected for one of the dry docks? Congress was too wise to undertake a work of that magnitude where there was not sufficient water to float our large vessels; but as there was sufficient water for our sloops, and other vessels of an inferior class, provision was made for a railway upon which they might be repaired.

Will it be asked why this has not been done? The answer is, that, under an Eastern President, and under a Secretary of the Navy from the Middle States, the necessary inquiries and examinations were instituted. But then came a change of administration; the Secretary from the north Atlantic was removed, and his place was supplied by a Secretary from the south Atlantic, a political friend of the gentleman from South Carolina. What course does he take? This south Atlantic Secretary will surely take care of the South, and the railway will be erected with all possible despatch! Is it so? Sir, if you will turn to the report of Mr. Secretary Branch, you will see that, after referring to the report of the engineer who had been appointed to make the examination, he says: "It has not been deemed advisable, since the receipt of the report, to take any new order on the subject, in consequence of the great difficulties and heavy expense attendant upon its construction, as therein represented." By reference to the report of the very able and practical engineer who was employed, it will be seen that the difficulties to be overcome were not of a character that would have prevented a Northern Secretary from going ahead, and that the whole expense, including an allowance of twenty-five per cent. for contingencies, was estimated at only $77,682. Truly, a Secretary of the Navy from the south Atlantic

does not appear to be of much avail to Pensacola, and the gulf section would fare better in the hands of an enemy from the North, than under the nursing care of such a friend as this from the South.

But I have not yet done with Pensacola, of which the gentleman from South Carolina has made himself the champion. He calls upon us to appropriate two million nine hundred and fifty thousand dollars for that yard, and threatens us with the loss of the regular appropriation bill for the usual purposes of the navy, unless this be granted. Sir, this threat sounded harsh upon my ear: it was out of place. The gentleman will learn, if he should make the attempt, that the House of Representatives of the United States is not to be operated upon by such influences. This House will give much from reasonable considerations: it may, too often, perhaps, give from kindness. But, sir, it never has had, and, I trust, it never will have, a boon extorted from it by a menace. Sir, even if there were danger in the threat, I would tell the gentleman that he would, by making it, injure, rather than promote the object he has in view. But, sir, it is harmless—there is no terror in it. I am confident that, upon reflection, the gentleman himself would revolt at such a proceeding, and would be the last to sustain such a proposition. What! because this House will not agree to introduce into an ordinary appropriation bill an appropriation of a most extraordinary character; an appropriation unparalleled in extravagance, which has not been recommended by the executive branch of this Government, or examined by a committee of the legislative; because the House objects to an appropriation of this amount, introduced in this manner, the pledged faith of the nation is to be violated, and our officers and sailors are to remain unpaid! Sir, there is not a member of this body who will defend so monstrous a suggestion!

I have said that this appropriation would be of extravagance without a parallel. It is so by the gentleman's own showing. There have already been expended upon the navy yard at Pensacola upwards of three hundred and fifty thousand dollars; and we are asked for nearly three millions more. Undoubtedly this expenditure would render the Pensacola navy yard the first in the United States, since it would be nearly, if not quite, as much as the aggregate of the expenditures upon our two most important yards, namely, those at Norfolk and Boston, from the time of their purchase up to the present day! Not so, sir. This appropriation, the gentleman tells us, will only serve to place Pensacola upon a footing with the least of the Atlantic navy yards.

I take the gentleman's own assertions, and I ask the committee whether they are prepared to expend upon Pensacola nearly as much as the whole cost of the navy yards at Boston and Norfolk, when all that they can promise themselves from such an expenditure is, to put it on a footing with the navy yard at Philadelphia, which has not cost one twentieth part of that sum! But the honorable gentleman has not done justice to Pensacola; he has derived his information from some source which is unworthy of reliance; he has been grossly deceived.

He tells us, also, that not even a long-boat can be repaired there. If his information on this head is from the same quarter, I cannot place any dependence upon it; and it would seem strange, indeed, if, after an expenditure of between three and four hundred thousand dollars upon that yard, it were in so destitute a condition as he asserts. If it were so, what must we think of Pensacola? The whole amount expended upon all our navy yards, except Washington, prior to February, 1806, was as follows:

Portsmouth, - - - -	$33,249 07
Boston, - - - -	80,521 94
New York, - - - -	89,555 50
Philadelphia, - - - -	$41,180 84
Norfolk, - - - -	52,748 78
	$297,256 13

There have been expended at Pensacola $419,748 05, being $122,491 92 more than was expended on the five yards above enumerated, from their creation to 1806; and yet we had contrived to keep our ships of war in a very tolerable state of efficiency: we were able to repair, not only our long-boats, but those noble frigates which are unsurpassed by any vessels that we have since built; which freed us from paying tribute to the Barbary Powers, and gave so good an account of the English heart of oak. Now, if, after so great an expenditure as has been made at Pensacola, there should exist such a lamentable deficiency as the gentleman from South Carolina would have us believe, it must be occasioned either by a wasteful expenditure of the appropriations, which I am not disposed to admit without conclusive evidence, when I recollect the high character of the officers who have been stationed there, or else it must have arisen from the entire unfitness of the place for a navy yard, which I am equally unprepared to allow.

But this navy yard, for the culpable neglect of which the administration is to be made responsible, has received its full share of attention and expenditure since its establishment, as will be evident from the following facts: During the eleven years which have elapsed since the establishment of the yard at Pensacola, the whole amount of expenditures, exclusive of those for dry docks, on the six Atlantic navy yards, has been $2,395,074 95, being, on an average, $399,179 16 for each yard; while the amount expended on Pensacola is $419,748 05, or upwards of $20,500 more than the average. The average estimate for Portsmouth, New York, Philadelphia, and Washington, in the bill now before the committee, is only $50,132 50, while the amount proposed for Pensacola is $64,000. In addition to this sum, the Committee on Naval Affairs have recommended an appropriation of $200,000 for constructing a hydraulic dock or a marine railway, and for removing the bar at the entrance of the bay of Pensacola. The gentleman from South Carolina seemed to think that it was the potency of his thunder which had brought this appropriation to the view of the House, and I am sorry to be obliged to disturb his self-complacency. The bill for this improvement was decided on by the committee many days before the gentleman favored us with his views; and I had been prevented from reporting it to the House by the question of the North Carolina election, which, it will be remembered, prevented for a number of days the reports of committees from being made. So far as I am individually concerned, I can assure the gentleman that the course pursued by him in this debate, if it had produced any effect whatever, would have retarded, instead of accelerating, the action of the committee. Sir, the Commitee on Naval Affairs agreed unanimously that the experiment of removing the bar at Pensacola was worthy of trial, but they are by no means so confident in the result as the gentleman from South Carolina. He refers to the successful experiment which has been made in removing the bar at Nantucket, as an earnest of what may be expected at Pensacola; but he was very unfortunate in his example, for the attempt to remove the bar at Nantucket has proved to be an entire failure. I hope that it may be otherwise at Pensacola; but I put it to the good sense of the committee whether, under these circumstances, the practicability of deepening the water ought not to be ascertained before we plunge headlong into an expense of millions, which would be useless unless that object can be effected; unless, indeed, the committee should be disposed to aid the views of speculators, without regard to the public interest.

It was painful to me to hear what seemed to be the crowning reason for the lavish expenditure which had been urged upon us. It was distinctly stated that the "sop to Cerberus" was not sufficiently large. This was an unusual sound to be borne on Southern breezes. The gentlemen who have heretofore represented the interests of the South may have been rash, may have been impetuous, but they always manifested a generous spirit; ambition may have been theirs, towering, overweening ambition, but it was untainted with avarice. Their views with regard to the national expenditure were liberal, enlightened, patriotic. They would have indignantly repelled the proposition of working by the rule of three to ascertain whether the South had received its share of expenditure.

Sir, it is irksome to me to take such a view of the subject. For my own part, I ask not where the revenue has been expended; whether in the North or the South, the East or the West. I only ask that it may be expended in the most judicious manner. In saying this, I speak not my own sentiments alone, but I consider myself the organ of the State which I have in part the honor to represent. Maine never has been obtrusive with her claims, and she never will be. The third State in point of tonnage, furnishing a large proportion of the seamen of the United States, and with more good harbors than can be found in all the other States of the confederacy, she has but a small proportion of your naval officers: not a fort of any importance to defend her numerous bays and harbors, and not a navy yard upon her extended coast. I say not this as a matter of complaint, but rather of pride. I rejoice that our citizens can take care of themselves; that they exercise their industry at home, instead of besetting the Executive for appointments in the army and navy, or in the public offices at the seat of Government; that they pay their share of the revenue of the country; ay, sir, and scot and lot, too, without complaining that it is not expended within our borders. She has increased and is increasing rapidly in wealth and in population, unaided by the favors of the General Government. She cares not for your patronage, and she scorns to ask for it. Look in your public offices here, and how many citizens of Maine will you find, from the heads of the Departments down to the most insignificant of your clerks? Sir, amid the whole host I know of but one. Let us compare the number of officers of the navy furnished by commercial Maine, and by the plantation State of South Carolina. The former has a free white popolation, according to the last census, of 398,260; the latter of 237,863. The whole number of captains, commanders, lieutenants, and midshipmen in the navy are 785, of which the proportion of South Carolina, according to her free white population, would be 19, and of Maine 29; but South Carolina has 40, and Maine has 20. The former has double her proportion; the latter has nearly one third less than she is entitled to!

The gentleman complains of the monstrous inequality in the disbursements for fortifications, and in the distribution of our forts and garrisons. Sir, I confess myself at a loss to comprehend him. If he had said that the North had a right to complain, and that the south Atlantic and gulf frontier had received more than their share, he would have the advantage of being sustained by existing facts. When we get to talking about shares, (sir, I detest the word,) we must first determine upon what these shares are to be founded. Shall they be in proportion to the population, or to the number and importance of the ports to be defended, or of the magnitude of the commerce to be protected? Take either, take all; the resnlt will still be the same.

The north Atlantic frontier of the gentleman comprises the seaboard of the Atlantic States, from Maine to Virginia, inclusive; the south Atlantic and gulf frontiers comprehend the shores of North Carolina, South Carolina, Georgia, Florida, Alabama, and Louisiana. The first division consists of twelve States, who have upon this floor 142 Representatives; the latter is composed of five States and one Territory, having thirty-nine Representatives and one Delegate. The expenditures for fortifications have been as follows:

North Atlantic frontier, - - -	$5,830,886
South Atlantic and gulf, - - -	4,527,227

Dividing these sums by States and Representatives, the following result is produced:

For each State of the north Atlantic, -	$485,907 17
For each State and Territory of the south Atlantic and gulf, - -	757,871 17
For each Representative of the north Atlantic, - - - -	41,062 58
For each Representative of the south Atlantic and gulf, - - -	113,680 67

But if we wish to see a specimen of "monstrous inequality," we must compare the five Atlantic States of New England with the five States and the Territory of the south Atlantic and Gulf.

	New England.	*S. Atlantic and Gulf.*
White population, -	1,653,564	1,325,534
Ports of entry, -	33	24
Ports where the presence of custom-house officers is considered necessary, -	115	44
Tonnage of vessels built, -	95,145	4,648
Tonnage of vessels owned, exclusive of steamboats, -	807,425	88,900
Tonnage of vessels entered,	448,592	269,796
Forts completed, -	-	9
Cost of forts completed, -	-	2,820,690
Forts under construction, -	3	6
Expended upon forts under construction, -	1,119,678	1,726,537

Let me crave the attention of the committee to a comparison between complaining South Carolina and uncomplaining Maine:

	Maine.	*South Carolina.*
Free white population, -	398,260	257,863
Tonnage of vessels built, 79 for 1, - -	51,687	650
Tonnage of vessels owned exclusive of steamboats, 18 for 1, - -	225,297	12,238
Tonnage of vessels entering, 27 for 10, -	151,281	54,259
Ports of entry, 4 for 1, -	12	3
Hospital money collected, 5½ for 1, - -	$4,671 71	$870 42
Forts finished, - -	none	1
Forts under construction,	none	2
Expended upon forts under construction, -	-	$324,426

But though so much has been expended upon the fortifications of Charleston harbor, it is not the fault of the administration that the expenditures have not been still greater. The operations on Fort Sumter, which is nearly in the centre of the lower part of Charleston harbor, have been suspended since the month of November, 1834. The general position and character of this work were decided upon during the administration of the War Department by a distinguished gentleman of the South; the first appropriation for the fortifications in Charleston harbor was made in 1828, and active operations on Fort Sumter were begun in 1829, since which period the work had steadily advanced, and as rapidly as the nature of it would permit. It was founded on a sand bank, or shoal, no part of which was ever left bare

at the lowest tides, and over much of which the water is never less than eight or ten feet deep. This shoal, after having been selected for the position of a fort under the administration of the War Department by a distinguished citizen of that State, after it had been occupied by the Government of the United States for more than five years, and the foundation of the fort had begun to show itself above the water, was granted by the State of South Carolina, on the 5th day of May, 1834, to "William Lavall, his heirs and assigns, forever, in free and common soccage." It is called in the grant "a plantation or tract of land," and it is granted with all woods, trees, and appurtenances, thereunto belonging. Woods and trees upon a sand bank covered with salt water could hardly be expected, and the only appurtenances are the constructions of the United States. This grant has arrested the progress of the work; and if such impediments are interposed, however unintentionally, by the State authorities, it does appear to me that the administration will stand excused, even if it should not be over zealous in renewing its operations until it is made secure from the assaults of John Doe and Richard Roe.

The gentleman from South Carolina says that "this gross, this monstrous inequality exists in the distribution of arsenals, forts, and garrisons." Let the committee say whether there be any more foundation for this complaint than for the others. There are seventeen arsenals, which are thus distributed:

North Atlantic, 8.—At Augusta, Maine; Watertown, Massachusetts; Watervliet, New York; Frankford, Pennsylvania; Pikesville, Maryland; Washington, District of Columbia; Fort Monroe and Richmond, Virginia.

South Atlantic and Gulf, 4.—At Augusta, Georgia; Mount Vernon, Alabama; Appalachicola, Florida; Baton Rouge, Louisiana.

Lakes and Western waters, 5.—At Vergennes, Vermont, near Lake Champlain; Detroit, Michigan; Rome, New York, near Lake Ontario; Pittsburg, Pennsylvania, on the Ohio; St. Louis, Missouri.

Such are the positions of the arsenals. The honorable gentleman from South Carolina, however, places twelve on the north Atlantic, which he could only effect by transporting Lake Champlain, Lake Michigan, Lake Ontario, and the river Ohio, to the Atlantic coast.

Now, let us examine the distribution of our forts, posts, and garrisons. The army of the United States consists of 116 companies, which are distributed among 52 forts and posts, as follows:

North Atlantic, -	15	forts and posts,	22	companies.
S. Atlantic and gulf,	18	do.	27	do.
Lake and Western frontier, - -	19	do.	67	do.
	52		116	

Before the reduction of the army, when we had a Southern Secretary, the army, exclusive of the staff, amounted to 9,189 officers and men, of whom 2,667 were stationed on the north Atlantic. We had then 29 per cent. of the army in that section of the country. The proportion has since been reduced to 19 per cent. Before the gentleman made this complaint against the administration, he would have done well to have consulted his friend, the former Secretary.

The gentleman mentions a fact, and leaves it to others to draw their own inferences. "For once," he says, "in the history of our Government, all the heads of Departments charged with our internal affairs are from the favorite North." Sir, I have shown that, in relation to the navy, the South had no reason to exult in the Southern Secretary; and the reference I have just made, with relation to the distribution of the army, is conclusive that, under the present Secretary, the North is not so much favored as it was when that Department was administered by a distinguished citizen of South Carolina. What, then, is the fair inference to be drawn? Surely not that any undue partiality has been manifested by the administration towards the Northern section of the confederacy. Permit me, in my turn, to mention a fact, and to leave it to others to draw the inference from it. For once in the history of our Government, the Departments are distributed with some show of equality; and the gentleman from South Carolina finds cause for remark, if not for complaint, in this distribution. Sir, how was it when this administration came into power? Let it be borne in mind that the President was from the Southwest, and that the Vice President was from the South. How were the cabinet officers distributed then? Two were from the South, two from the Southwest, and two from the Middle States! This "monstrous inequality" does not exist at present, for each section of the country is represented in the cabinet. The Secretary of State is from the South, the Secretary of the Treasury is from the East, the Secretary of War from the Northwest, the Secretary of the Navy and the Attorney General from the Middle States, and the Postmaster General from the Southwest. Sir, I consider the present, like the former distribution, to have been the effect of chance, for I do not believe that it belongs to the character of the President to be influenced by calculations of this nature; he is above them.

Sir, I will mention but one other complaint made by the honorable gentleman from South Carolina. It is the coast survey, which has not yet extended to the South. Now, I presume the gentleman will admit that there ought not to be half a dozen places of beginning; at least, such was the opinion in 1816, when it was undertaken, and when Long Island was selected as the locality for a base line. The triangulation was commenced in the following year, when two distinguished citizens of Georgia and South Carolina were members of the cabinet, and was suspended in the year 1818, in consequence of the repeal of the law by which the survey was authorized. In 1832 the act to provide for the coast survey was revived, and it was considered expedient to recommence the work where it was left off, the propriety of which no one will undertake to dispute. It is proceeding towards the South, and in due time will reach South Carolina. The gentleman asks, why has not the Southern and Gulf frontier been explored? My answer is, that it has been explored; and not only so, but that great attention has been paid to the survey of that coast. Sir, the following is a list of the places surveyed to the south of Cape Hatteras, viz: Ocracock, Beaufort, North Carolina; Cape Lookout Shoals, Cape Fear river, Fryingpan Shoals, Charleston, Savannah, St. Augustine, St. Mary's, St. John's river, Key West, Dry Tortugas, St. Joseph's, Pensacola, Mobile; and the whole coast of Louisiana has been examined, as far as the river Atchafalaya.

The gentleman from South Carolina has had the complaisance to inform us of the rate at which he values his vote. If we will erect three armories somewhere or other, (for really the gentleman has not told us exactly where,) nine arsenals at places of his selection, a navy yard at Charleston or Port Royal, and another on the coast of Georgia, an extensive yard at Pensacola, with a dry dock, and materials for building the largest ships, a naval station at Key West, and a perfect Moro Castle there—"let all this be done," says the gentleman, "and he will not withhold any thing that may be reasonably required by the North;" in other words, make idle, useless expenditures, wherever my caprice may dictate, and then I will grant the North whatever I may consider reasonable? Sir, the enunciation of such a proposition is the best answer to it.

The gentleman would fain persuade us that there are admirable situations for navy yards on his south Atlantic frontier. He says that Charleston, Port Royal, and Brunswick, present every possible advantage. There are, however, two important deficiencies which he has entirely overlooked, namely: the want of water, and the want of ship carpenters. All three are barred harbors; there is not water at the entrance of the best of them for a frigate, and at Charleston there is not enough for even our large sloops of war. With regard to another Moro Castle at Key West, I would observe, that if it should be thought necessary to select one of the Florida Keys, the Dry Tortugas offer a better harbor and a healthier situation. But it would be well to pause before we ingraft a project of this kind upon an appropriation bill. There cannot be a doubt that either of the positions are favorably situated for controlling the commerce of the leeward West India Island; but would it therefore be advisable to erect fortifications upon either of them? Would Great Britain permit us to bridle her commerce with her islands in the Caribbean sea? Sir, she has gone to war on a less occasion. She might permit us to expend some eight or ten millions in fortifications, but she would then take possession of them for herself. An insular establishment, like the one in question, can only belong to the greatest naval Power, unless through sufferance. Your castles would no more withstand the force of Great Britain than did the Moro Castle of the Spaniards in 1762. Or, if it were possible to render them impregnable by assault, the slow but sure process of blockade would cause the meteor flag of England to float upon their battlements as it did upon those of Malta. Sir, it is enough for us that these formidable positions belong to the United States, and cannot be occupied by an enemy to our annoyance, unless we should be mad enough to erect fortifications there ourselves.

The gentleman from South Carolina, though so eager for large appropriations at the South, recommends that we should wait at the North for a reduction of the high rate of wages. As my honorable colleague spoke of the gentleman's classical attainments, he will permit me to remind him of the rustic in Horace who waited for the river to pass by. While countless millions of acres remain unoccupied within the limits of our republic, the high price of labor must continue. It would be as reasonable to wait for the passing by of the stream of the Father of Waters, the mighty Mississippi, in order to traverse the bed of that river dry shod, as to postpone our preparations for defence until the rate of wages in this country shall be diminished. The citizen of our republic spurns at the thought of being a bondsman, and will not brook a task-master. Hardy, persevering, and industrious, with his axe on his shoulder, he journeys to the far West, and with a strong arm, and stout heart, he hews for himself a home and independence, a competency, and even affluence, in the forests of that favored region. While this spirit endures, the demand for labor will exceed the supply, and the high rate of wages will be sustained. And who is there that would wish to have a change come over the spirit of our citizens? Sir, it is of more avail for the preservation of liberty than all your parchments; it is the only safeguard of our republic.

The gentleman from Tennessee [Mr. BELL] seems to have compared notes with the gentleman from South Carolina; they both harp upon the same string. Fault must be found with the administration; and a fault has been discovered by the former gentleman for which I was not prepared. It is that contractors are found at the North, who will furnish sugar to the navy cheaper than it can be supplied at New Orleans! Now, sir, if this were the fact, I do not perceive that it affords a legitimate cause of complaint against the administration. The supplies for the army and navy are procured by contract, and the contractor who will furnish at the cheapest rate has the preference, whether he belongs to the South or to the North. And if the citizens of New England should be satisfied with a smaller profit, or should be able to make better calculations, and be enabled, in consequence, to engross the supply of our soldiers and sailors, with what reason, with what propriety, let me ask, can this be fashioned into a charge against this or any other administration? I am disposed to believe that this will be found to be an enduring subject of complaint, and that even the rice of South Carolina, and the live oak of Florida, will be furnished by contractors of the Eastern and Middle States. But with regard to the article of sugar, which the honorable gentleman lays so much to heart, it gives me pleasure to relieve his anxiety, by assuring him that it is not a component part of either the army or the navy rations. There is indeed a bill reported to the House, and referred to the Committee of the Whole, by which several beneficial changes are made in the navy ration, and among others is one which gives to honest Jack an allowance of sugar and tea, instead of keeping him dependent for these two articles upon the purser. Now, it is possible that this bill may not have escaped the vigilance of the gentleman from Tennessee; and through his natural sagacity, or being possessed of the Scottish gift of second sight, he may have foreseen that this bill would become a law, and that the contract for groceries under it would be taken by some shrewd Yankee; and he therefore determined to lay an anchor to windward, as a sailor would say, and make his complaint now for what is to take place a year hence.

Sir, I regret the effort which is made to excite jealousy and ill feeling towords the North, by representing it as monopolizing the supply of the navy. The contracts it may monopolize, but the furnishing of the supplies is beyond the control of any contractor. The laws of nature cannot be changed by contracts. The navy is supplied from every section of our widely extended republic. From the South are received the masts, the planks, the ship timber, the naval stores, the rice, tobacco, and sugar; from the Western and Middle States are furnished, I believe, exclusively, the flour, and whiskey, and iron; and from these States, and from New England, are supplied the gunpowder, the butter, cheese, pork, and beef. Sir, it may not be generally known that even the far West contributes towards the supply of the latter article. The cattle which are raised in that boundless region are driven to Ohio to revel in the luxuriant fertility of that favored State; and, when fattened, are driven to New York, and even to Boston, for the supply of those markets. The South, too, furnishes the cotton, which, in the Eastern and Middle States, is manufactured into sailcloth, for the hammocks and bags of our seamen, and the light sails of our ships; and our canvass is made in New York and New Jersey, from foreign hemp, which is purchased by the exportation of our own produce. It is not the fault of the administration that this article is not purchased in the Western States. It will be preferred whenever our Western brethern shall see fit to water ret it. The desire to use our own productions on board our ships of war, has been carried to even a blameable excess. In order to propitiate the South, rice has been made a component part of the sailor's ration. Now, it is well known to every navy officer, that Jack has no fondness for this article of food; and that he grudges every drop of water which is used in boiling it. We may, perhaps, be told, that rice is good for the scurvy; and so it is, but tea is still better, and would, moreover, be highly acceptable to our mariners.

Sir, my friend from Virginia who preceded me in this debate, [Mr. GARLAND,] having alluded to what had fallen

from one of his colleagues in a former debate, respecting the opinions of one of the Commissioners of the Navy, I feel myself called upon to do justice to that officer. The conversation took place between the Commissioner and two members of the Naval Committee, of which I was one. It was free and unreserved, and was certainly not intended to be repeated. If every word that is uttered by officers of Government, not confidentially, but in the fulness of confidence that private opinions and conversations will not be divulged to the world, are to be trumpeted forth on this floor, the intercourse between those officers and the members of the House must soon become strictly official. The purport of the observations of the Commissioner, as understood by me, was, that as France had for many years paid great attention to her navy, we should not at first contend on equal terms; that she could bring such a force to act against us as would be an overmatch for the superior skill and bravery of our seamen; that three years would be required to develop our resources; that the final issue would be favorable to the United States; and that no honor would be lost in the intermediate time. The impression made on my mind by the conversation was, that it was intended for a stimulus to prompt and vigorous action, and for nothing more.

In the attacks made about the same time upon the navy, it was charged that sixty-five millions have been expended upon it since the war, and yet that it was in a deplorable state. Now, the whole amount of appropriations since the peace of 1815, for the increase of the navy, has been only - - - $14,034,000
Add amount of appropriations for repairs 9,495,872
And the value of our vessels in 1816 - 3,660,000

And you will have the whole amount to be accounted for, which is - - - $27,189,872

Here are twenty-seven millions instead of sixty-five, which are accounted for as follows:
Value of vessels afloat and building - $6,913,000
Materials on hand - - - - 5,762,310
Dry docks, improvements in navy yards, and care of live oak plantations, paid out of this fund - - - - 1,863,178
In the Treasury, to meet existing and future engagements - - - - 2,563,475

$17,101,963

Leaving a balance of $10,087,909, or half a million a year, for the operation of deterioration and decay, to which the navy, like every thing earthly, is liable, and which cannot be avoided.

Sir, I will not follow gentlemen any farther through the mazes of this debate, not even to touch upon the favorite subject of the approaching election of President. I can say, in the words of the admirable squire of the worthy knight of La Mancha, that "I neither make king nor mar king." That matter I leave to the people of the United States, to whom it rightfully belongs, not doubting their sagacity to detect and counteract the project which is on foot to deprive them of the privilege of electing their own Chief Magistrate. But let me warn the friends of those candidates who, having no other hope and no other bond of union, are seeking to produce this result, that even if success were to attend their machinations, (of which I can discover no prospect,) no advantage could accrue to them from it. Their administration would be a minority administration, powerless for good or for evil, which, after a rickety, uncomfortable existence of four years, would sink into nothingness under the opprobrious rebuke of an indignant people.

Mr. Chairman, it was my intention, before I sat down, to have alluded to the general interests of the navy, though perhaps not strictly in order on the discussion of this bill; but I have already trespassed upon the indulgence of the committee much longer than I intended, and am warned to forbear by the time which I have already occupied the floor. I will not, however, resume my seat without expressing a hope, earnestly cherished, that there will be found a majority in this Congress who are disposed to render our navy more commensurate with the demands of our widely extended commerce, with our revenue, our population, and our boundless resources; and that some scheme may be devised to give promotion and active service to our officers of the inferior grades in the navy, who are lingering on under our present system, sick at heart from hope long deferred, and who will grow gray, wither, and sink, through decrepitude, into unknown graves, without the chance of arriving at the command of even a frigate. Sir, this picture may appear overcharged, but the colors and the pencil are those of stern, unvarying truth.

In the five years from 1831 to 1835, inclusive, the promotions in the navy have been as follows: 9 commanders to be post captains, 21 lieutenants to be commanders, 63 passed midshipmen to be lieutenants, and 212 midshipmen to be passed midshipmen. There are at present 40 commanders, 257 lieutenants, and 199 passed midshipmen. At the present rate of promotion, it will require sixteen years to make a passed midshipman a lieutenant, sixty-one years more to make this lieutenant a commander, and twenty-two years more to make this commander a post captain. Now, allowing that a midshipman should enter into the service at the earliest age at which he ought to be received, which is fourteen years, and that he passes his examination at the earliest opportunity, which is after six years' service, and, to use a phrase formerly much in vogue in New England, "if he should live and do well, and God should spare his life," he may, at the ripe patriarchal age of one hundred and nineteen years, totter on the quarter deck of a frigate of the second class, the junior captain in the navy of the United States!

Sir, this requires amendment, and it must be looked to. We amass materials for building, but we neglect the *personel* of the navy. So far as ships are concerned, a navy may be created in twelve or eighteen months; but your ships are worse than useless without officers. The story of the French Revolution is pregnant with instruction in this respect. During that agitating period generals were made, as if by inspiration, who baffled and defeated the veteran marshals of the ancient Governments. Genius, kindled at the torch of enthusiasm, was found sufficient to supply the place of experience. But it was not thus upon the ocean. Skill in seamanship, to be attained only by experience, is necessary to place your ship to advantage alongside of the enemy, to keep her in a favorable position, and to profit by any unforeseen changes that may occur, and then clear bull-dog fighting will do the rest. The French had the latter, but they could not acquire the former. Their old officers belonged to the nobility, and had emigrated, or were guillotined, and new ones could not be created on shore. The French fought upon the water even more desperately than upon land; but the tri-colored flag of the republic and the empire was constantly doomed to strike to the triple cross of her more skilful and equally daring rival. But something more than skill is required. You must have the warm blood and the high pulse of youth. The caution of old age is not calculated for the ocean; gray-headed lieutenants are out of place on shipboard.

Sir, let me repeat the hope that the twenty-fourth Congress will be the epocha for the establishment of a permanent, self-regulating, self-correcting system for our navy, which shall render the wooden walls of our

republic as renowned in story as the wooden walls of the nation to which we trace our origin, the island empire of the eastern world—our glorious mother; first in the arts of war, first in the arts of peace, to whom is given the proud destiny, never to be surpassed, unless by this, her fairer daughter of the western hemisphere! Sir, with this hope I conclude.

Mr. ROBERTSON next obtained the floor; and, on motion of

Mr. PEYTON, the committee rose and reported; and The House adjourned.

TUESDAY, APRIL 5.

SUFFERERS BY FIRE IN NEW YORK.

Mr. SMITH, from the Committee of Ways and Means, reported a bill amendatory of the act for the relief of the sufferers by the fire in the city of New York; which was read twice.

Mr. SMITH remarked that the bill met the unanimous assent of the committee, and was intended to supply an omission in the former act, so as to confine or limit its operation to bonds given prior to the fire. The act to which the present bill was an amendment was similar in its terms to the acts of 1803-'4 and 1807, granting relief on account of fire. The first section provided for "all bonds heretofore given," which would apply not only to bonds executed prior to the 16th December, 1835, as was intended, but to those given prior to the passage of the act on the 19th March, 1836. This would have the effect to grant indulgence upon bonds for upwards of a million of importations, which was not intended by the passage of the act. He was instructed to move that the bill be engrossed and read a third time, as it was important that it should pass both Houses as early as possible.

Mr. ADAMS wished to know, before the passage of this bill, whether the Committee of Ways and Means, who reported it, had considered the principles involved in it before they reported it to the House. If he was not mistaken, it was what might be called an *ex post facto* bill, and, if passed, would be an *ex post facto* law. If he understood it aright, it took away from a portion of the citizens of the United States vested rights—rights to property. How far it was prudent or discreet in Congress to pass a law to give to citizens of the United States benefits to which they were not entitled, was not now the subject of consideration; but the present bill seemed to give sanction to a principle not very conformable to the character of our laws; and he, for his part, considered the precedent somewhat dangerous. He hoped the chairman of the Committee of Ways and Means would inform the House of the character of the bill.

Mr. CAMBRELENG said the bill was in strict conformity to laws of a similar character passed in 1803, 1804, and 1807. He had copied from the act of 1803, and the present bill was precisely in the words of that act. The intention of the committee was not to give the benefit of the act to bonds executed up to its passage. The subject was now before the House, and it would be for it to determine as to the propriety of the passage of the law.

Mr. ADAMS hoped the bill might not be read a third time now, so that an opportunity might be afforded of examining into the nature of it; because he had doubts whether it should pass. It certainly appeared to him to be in the character of an *ex post facto* law, because it took away rights vested by a former act of Congress; and if the House did pass it, the courts might decide that it was an unconstitutional law, and declare it null and void. He hoped the bill would be committed, and take the ordinary course.

Mr. SMITH said the original law had not yet taken effect in a single instance, and if this law was passed immediately, it might be that it would be in time to prevent the original law from applying to those cases, which it was desired to prevent. He did not think that the principle of vested rights would apply to the present law, because it was a mere gratuity of the Government; and, being a gratuity, he considered that they might modify it in such way as to prevent the Government from having money taken from it which never was intended to be taken from it. The relief bill was a gratuity in which Congress had overstepped their own intention; and, before that act took effect, they proposed to modify it in such way as not to go beyond what was intended. But if the passage of the bill was to be delayed, it certainly would be useless, and some would receive the benefit of the original law who did not ask relief, and the effect would be to confer fortunes on those who had never asked it of you.

Mr. BRIGGS hoped the bill would not be read a third time to-day. It seemed to him that the principles involved in the bill would require more consideration than could be given to it on the moment of its being reported. He had inquired of one who he thought should be likely to know, and he thought the probability was that some of the bonds had already been extended. If that was the case, he should like to be informed what the position of the Government would be towards those debtors. The Government had passed a law authorizing an extension of those bonds, and now this bill provided that extension should not be made. He conceived that this was a specimen of legislation which called for a little more reflection than they could give to it to-day; therefore, he hoped it would not be ordered to a third reading at present.

Mr. MERCER did not consider that the clause in the constitution which related to *ex post facto* laws applied to any other than criminal laws. Some years past, Mr. M. said, there had been a pension law passed, which it was afterwards discovered would take an immense amount of money from the Treasury. A law was thereupon passed, limiting the extent of the original law; and he never heard any objection raised to that law, on the ground of its being an *ex post facto* law.

Mr. CUSHING said his colleague [Mr. ADAMS] seemed to misapprehend the clause in the constitution relative to *ex post facto* laws. (Sec. 9. "No bill of attainder or *ex post facto* law shall be passed.") It had been judicially decided, as well in the construction of that part of the constitution of the United States as in the construction of the same expression in the State constitutions, that the words applied only to penal statutes, and not to legislation affecting merely the civil rights of a citizen. If, therefore, this was the only objection to the bill, he did not deem it one of so much consideration as his colleague apprehended.

Mr. SPEIGHT said it appeared clear to him that Congress had the right to pass the bill. It intended merely to confine the provisions of a law which had not yet taken effect; and he appealed to the House to say whether the bill should not be passed immediately, so that it should take effect at the same time of the original law.

Mr. CHAMBERS, of Kentucky, thought gentlemen, to be consistent, ought not to support this bill. They had furnished a great capital to citizens of New York to trade upon, and, to act consistently, should allow them to have the full benefit of that law. Those bonds which had already been extended he considered could not be affected by the present bill; therefore, he doubted whether there was any necessity for its passage. But, as he considered the merchants of New York would derive sufficient benefit from the bill, the passage of the present bill might be of some service.

Mr. ADAMS said he was perfectly well aware that the clause in the constitution which related to *ex post facto* laws was only considered by the courts to apply to criminal statutes. He was aware, also, which, perhaps, his colleague [Mr. Cushing] and the gentleman from Virginia [Mr. Mercer] were not, that there was no provision in the constitution prohibiting Congress from passing an *ex post facto* law. He did not suppose that Congress was prohibited from doing so. He used the word in its general sense, that it should not pass a law which would have a retrospective effect. He considered the bill under consideration of that character, because the effect of it was to take away rights from citizens of the United States, which they had been vested with by a former act. If the bill was to be passed, he hoped it would be amended in such manner as not to take away rights from the people which they had already conferred upon them. The gentleman from Virginia [Mr. Mercer] had furnished a precedent which he hoped never would be brought up as a precedent again, because it was one of the most unjust acts ever passed by Congress; an act by which a large body of the pensioners of the revolutionary war, after having by former acts of Congress received pensions for some two or three years, had them taken away from them by a subsequent act, because they were not actually starving. There was before the House at this time a proposition to remedy that very evil, for an evil it was; and he regretted that the gentleman from Virginia was under the necessity of introducing it as a precedent for any act of justice. That very law had deprived those pensioners of their rights, although they had served in the revolutionary war of the country; and the proposition now before Congress was for the purpose of rendering justice to those veterans, from whom that bill had taken their bread; and he hoped, before the end of the present session, that justice would be done those persons. He hoped that act would never again be produced as a precedent, unless it was for something which was to be avoided. As gentlemen were anxious for the passage of the bill, if it was amended as he had suggested, he would not oppose it.

Mr. MERCER said the gentleman from Massachusetts [Mr. Adams] was certainly under a mistake in relation to there being no clause in the constitution declaring that Congress should not pass an *ex post facto* law. Mr. M. read the clause from the constitution, and said that, although he had not voted for the pension law alluded to, yet he considered the act a perfectly just one.

Mr. WISE here called for the orders of the day; but the House refused to proceed to the orders of the day.

Mr. EVERETT was opposed to the immediate passage of the bill, as there were certain points he wished to investigate before he should vote for it, connected with the bonds that fell due before the passage of the original bill.

Mr. CAVE JOHNSON advocated the speedy passage of the bill. If there were any bonds which had been extended, they would have to remain; but he hoped, if the bill was speedily passed, that it would go into effect before there were any extensions made. Upon this consideration, he hoped the House would lose no time in passing the bill.

The motion to commit was negatived, and the bill was ordered to be engrossed; when it was read the third time and passed.

Mr. WISE asked leave to offer the following resolution, presented by him yesterday:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the agency or mode of selecting the banks of deposite for the public money, and into the contracts with the Treasury Department, by which they are regulated, and into the manner in which, and the persons by whom, such contracts are made; and to inquire whether any, and, if any, what connexion or relation, official or unofficial, exists or has existed between a certain Reuben M. Whitney and the Treasury Department of the United States, or between him and the banks of deposite of the public money, and into the extent of his agency, generally, in keeping and controlling the public money, and into the amount of his compensation, whether the same be paid out of the public Treasury or by the deposite banks; and that said committee have leave to report by bill or otherwise.

Objections having been made, Mr. WISE moved to suspend the rules, and called for the yeas and nays on that motion.

The yeas and nays being ordered, the question was taken and decided in the negative, as follows:

Yeas—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Beale, Bond, Briggs, Bunch, John Calhoon, William B. Calhoun, Carter, John Chambers, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Forester, French, Philo C. Fuller, James Garland, Rice, Garland, Granger, Grantland, Graves, Grayson, Grennell, Haley, Hiland Hall, Hardin, Harper, Albert G. Harrison, Hazeltine, Hoar, Hopkins, Howell, Ingersoll, William Jackson, Janes, Jenifer, Henry Johnson, John W. Jones, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Lucas, Lyon, Maury, McCarty, McComas, McKennan, Mercer, Milligan, Patton, James A. Pearce, Pettigrew, Peyton, Reed, Rencher, Ripley, Robertson, Rogers, Russell, A. H. Shepperd, Shields, Slade, Spangler, Standefer, Storer, Taliaferro, Waddy Thompson, Turner, Underwood, Vinton, Whittlesey, Lewis Williams, Sherrod Williams, Wise—89.

Nays—Messrs. Anthony, Barton, Bean, Bockee, Boon, Bovee, Boyd, Brown, Buchanan, Burns, Cambreleng, Casey, Chaney, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Doubleday, Dromgoole, Efner, Fairfield, Farlin, W. K. Fuller, Galbraith, Gillet, Glascock, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Joseph Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Job Mann, William Mason, Moses Mason, May, McKeon, McKim, McLene, Montgomery, Moore, Morgan, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Roane, Schenck, Seymour, Sickles, Speight, Sutherland, Thomas, John Thomson, Toucey, Turrill, Wagener, Ward, Wardwell, Webster, Weeks—91.

So the House refused to suspend the rules.

NAVAL APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, for the further consideration of the bill "making appropriations for the naval service of the United States for the year 1836."

The question being on the motion of Mr. Bell to strike out the appropriation for the navy yard at Portsmouth,

Mr. ROBERTSON said he had desired to address the committee, for the purpose of presenting his views, not so much in reference to the particular amendment now under consideration, as upon other more important and interesting topics introduced into the debate. We were now in Committee of the Whole on the state of the Union, and he should avail himself of the latitude allowed to others of reviewing, with them, the general policy of the administration. He would endeavor to ac-

company his colleague [Mr. GARLAND] in his pursuit after truth, and examine how far the party in power had adhered to those fundamental principles which he, as well as his colleague, professed to venerate. He should compare the promises of that party with their performances, and contrast their acts with their professions.

Before entering on this examination, he would take occasion to say he would vote for liberal appropriations for every constitutional and proper object. He would do so on the ground of a just economy. But he would sanction no expenditure beyond what the public interest and necessity required, merely to get rid of our superflous treasure. He was desirous, especially, of placing the navy on such a footing as would enable it fully to protect our commerce, and to add to the glory it had won for the country. The best method of attaining this object he must leave in a great measure to gentlemen possessed of more practical information. But there were obvious limits to expenditures even for that object. Strong objections existed to a large and immediate increase of the navy, which, at an early period after the commencement of the present administration, had been fully presented by the President to Congress. In the annual message of December, 1829, the opinion was expressed that "in time of peace we have need of no more ships of war than are requisite to the protection of commerce; that those not wanted for that purpose would, under the best precautions, soon become useless, and that we should discontinue building ships of the first and second classes, and look rather to the collection of ample materials."

Mr. R. said he was opposed to lavish appropriations, not for the navy only, but to those which seemed to be contemplated for every other branch of the public service. They are not suited to the nature of our institutions, and are at war with the principles upon which the present party came into power. These principles were ably asserted in a report made to this House in 1828, by Mr. Hamilton, and one made to the Senate in 1826, (Mr. Benton's,) and had been reiterated again and again by the present Chief Magistrate. [Mr. R. referred particularly to the annual messages of '29, '32, and '33, as recommending rigid economy, and condemning all unnecessary expenditures.] Even in his last message, looking to the peculiar condition of the country, he had not seemingly contemplated an expenditure, unless war should actually take place, of more than about $24,000,000. But now (said Mr. R.) all apprehensions of a war with France have vanished; with the exception of the disturbances on our Indian border, we are in the enjoyment of profound peace; the national debt is discharged; and what do we behold? An evident anxiety to get rid of the surplus revenue by unusual and wasteful appropriations. The report of the Secretary of the Treasury presents estimates for upwards of twenty-three millions and a half, to which add the unexpended appropriations of the last year, and we have an aggregate amount for the expense of the current year of about thirty-one millions. I do not understand that any considerable reduction, notwithstanding the change in our foreign relations, is contemplated below the Treasury estimates; and the party who denounced the extravagant expenditures of the preceding administration, averaging some ten or twelve millions per annum, will now probably ask, for the service of a single year, on a peace establishment, upwards of thirty millions. Of this enormous sum, only about three millions are necessary for the civil list, foreign intercourse, and miscellaneous expenses. A very large proportion of the residue is to be applied in procuring materials and labor for public works. May we not apprehend serious inconvenience, from the great demand which such appropriations will occasion for labor? If, as is probably the case, the demand is already equal to the whole disposable labor of the country, the increased demand will produce no other effect than merely to augment the wages of labor, without adding to the supply. An appropriation of twenty millions will in that case command little more labor than ten; or, if more labor shall be procured, it must probably be withdrawn injuriously from agriculture or the mechanic arts. Many and extensive works are now in progress and in contemplation, some of them carried on by individuals and companies with their own resources; some by States, receiving no aid from the General Government. [Mr. R. mentioned the improvement in his own State from the city of Richmond to the mouth of the Kenawha; the Ohio and Baltimore railroad; the proposed connexions between Cincinnati and Charleston, and between Nashville and New Orleans.] The United States coming into competition, and authorizing its agents to procure the necessary labor without regard to price, will necessarily withdraw it from those who can less conveniently afford to give excessive wages. The vast additional sums, therefore, proposed to be expended in the public works of the United States cannot fail considerably to increase the expense and retard the completion of those carried on by the States and individuals. This will not be thought a groundless apprehension, when it is recollected that Colonel Gratiot has assigned as a reason for not using about $100,000, appropriated for a fort on East river, New York, the impossibility of obtaining the requisite force to carry on the work, though materials and facilities of every kind had been procured.

After appropriating all that the public necessities require, or that can be judiciously expended, it cannot be doubted there must still remain a large surplus; and it becomes us at once to devise some mode for judiciously disposing of it. A variety of schemes have been suggested. Shall we permit it to lie idle? waste it in unnecessary expenditures? invest it in stocks or loans? or distribute it among the States? These seem to be the only alternatives.

To permit it to remain unused, besides the injury resulting from keeping so large a capital unemployed, we may reasonably anticipate heavy losses. To leave it in deposite, for the banks to trade upon, must necessarily be attended with hazard. They will not keep it idle, and may find it very inconvenient to replace it when demanded. In proof of this, Mr. R. adverted to the condition of the public deposites in the Bank of Michigan. In that bank, having a capital of $150,000, we have, it seems, nearly $800,000 on deposite; and we are bound to believe, upon information of members present, that this deposite, or considerable portions of it, have been remitted to New York, and lent out at an interest of four per cent. Independently of the risk, there is great injustice in giving the advantage of the public deposites to favored States or favored banks, in the manner now practised. Supposing an amount of ten or twelve millions to remain in New York, as will probably be the case, unless the fund be distributed, the State may realize an annual profit of five or six hundred thousand dollars by its use, while other States will derive no advantage, though they shall have contributed their full proportion to raise it. No one, I presume, expects that this vast sum can be hoarded up in specie. If such an attempt were made, the surplus, over and above what is needed for the public service, which for six years to come must constantly increase, would very soon absorb the whole metallic currency of the United States.

Aware of the impolicy of keeping the public treasure unemployed, much ingenuity has been displayed in devising plans for consuming it. In addition to the enormous estimates from the Treasury Department, we have propositions to erect court-houses, custom-houses, and other buildings, for the use of the United States; and to

enter into contracts with railroad companies for the privilege of transporting the mail. These schemes, I trust, will not prevail. It is by no means desirable that the General Government should obtain more permanent footing upon the soil of the States, or become proprietors of expensive buildings, which must have superintendents and guards to preserve them, and consequently add to that patronage already so much deprecated. Nor should we desire to see the General Government extensively engaging in contracts with chartered companies, and mingling with the private concerns of the States. It is scarcely to be credited that serious difficulties will be thrown in the way of the mails, and it would be strange indeed if this great modern improvement should, in this particular instance, result in increasing the difficulty or expense of transportation.

Another expedient proposed is the investment of the surplus in loans or stocks. This does not overcome the difficulty, but only postpones it. I trust the Treasury of the United States is not to be engaged in stock-jobbing, or converted into a great loan office. But, suppose this recommendation adopted, how can the public money be more judiciously or more safely invested than in loans to the States? If Congress may constitutionally lend, the States, none can doubt, can constitutionally borrow. There is an evident propriety, too, if such investments should be made, in giving them this direction. If lent to corporations or individuals, and lost, the States must make good the deficiency whenever it shall be wanted. These corporations or individuals would therefore be trading on public money, at the public risk; but if employed by the States, though required to replace it, they would realize the benefit resulting from its employment. It may happen, however, that the ordinary revenue, for years to come, will exceed the necessary expenses of Government; and, in that case, there will be no occasion to require the amount lent to be returned. In this view, a loan, I admit, would not differ substantially from an absolute distribution among the States, against which my colleague has so warmly protested.

But is there, Mr. Chairman, any sound objection to a direct distribution of the surplus revenue among the States? Coming from a State jealous of its rights, and distinguished for its strict construction of the federal constitution, I have gone into the examination of this measure with a strong bias against its constitutionality. The result of that examination is a thorough conviction that, so far at least as regards the proceeds of the lands ceded by the States, it is not only not prohibited, but is expressly enjoined by the constitution; and, under present circumstances, is the most expedient disposition that can be made. In support of this proposition, I might perhaps content myself with referring to an authority of most commanding influence in this House. At an early period after his accession, I was about to say to the throne; this language, I fear, sir, may in a short time become familiar—the present Chief Magistrate, contemplating the probable accumulation of money in the Treasury, deliberately recommended to Congress a plan for disposing of it. After alluding "to the difficulties which had attended appropriations for internal improvement, and those which experience tells us will certainly arise whenever power over such subjects may be exercised by the General Government," he says, (message of December, 1829,) "To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States, according to their ratio of representation; and should this measure not be found warranted by the constitution, that it would be expedient to propose to the States an amendment authorizing it." The distribution, thus recommended, it will be observed, embraced the whole surplus revenue, and not that merely arising from sales of public lands. The passage just read was incorporated, and the principle reasserted, in the message of May, 1830, justifying his veto on the Maysville road bill. Again: in his annual message of December, 1830, he recurs to the plan he had thus proposed, and replies to the objections urged against it. The objections enumerated are—

1. An objection to the ratio of distribution.

2. An apprehension that such a regulation would produce improvident and oppressive taxation to raise funds for distribution.

3. That it would lead to the construction of works of a local nature.

4. That it would create a discreditable and injurious dependence, on the part of the State Governments, upon the federal power.

This enumeration, comprising all the objections, "so far as they had come to his knowledge," embraces none on the score of unconstitutionality, nor is any difficulty of that nature alluded to. But now, it seems, this plan is denounced by my colleague as a vile abomination. Sir, he could not be aware, in aiming his blow, on whose head it was destined to fall. But it may be supposed the President has changed his opinions; and hence it is that my colleague exclaims, with a holy horror, "Touch not, taste not, handle not." How far his opinions have undergone a change, I know not; nor will I anticipate, as many do, a veto, in case Congress should now adopt the measure he himself has so deliberately and repeatedly recommended. I perceive nothing in the message returning Mr. CLAY's land bill to warrant the belief that he will withhold his concurrence from a bill authorizing the surplus funds arising from the sales of lands to be distributed among the States. Before noticing particularly the objections urged in that message, or others which have been suggested, I beg leave, very briefly, to present to the committee the reasons which satisfy my mind that such a distribution is strictiy constitutional.

I shall not detain the committee by a minute history of the causes that led to the acquisition of the public lands. It is well known that the immense territory stretching from the Ohio to the lakes, comprising the fertile and flourishing States of Ohio, Illinois, and Indiana, and the Territories of Michigan and Wisconsin, is held by the United States under a grant from the State of Virginia, made in 1784. The deed of cession, after making various reservations, explicitly declares "that all the lands within the territories so ceded to the United States, and not reserved for or appropriated to any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions of the general charge and expenditure, and shall be faithfully and bonafide disposed of for that purpose, and for no other use or purpose whatsoever."

In most or all the grants from other States there are similar provisions. The terms thus declared were accepted by the confederacy. When the present Government was formed, the United States again acknowledged their obligatory force. The 6th article of the constitution declares that "all debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States, under this constitution, as under the confederation." And in the 4th article it is provided that "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of

the United States, or of any particular State." These provisions of the constitution leave no room to doubt the obligation upon Congress to respect the stipulations of the grant. This, indeed, is the view taken by the President in the message rejecting the land bill. In objecting to the provisions which proposed to give 12½ per cent. out of the nett proceeds to the new States, he says, "What more need be said to demonstrate its objectionable character, than that it is in direct and undisguised violation of the pledge given by Congress to the States, before a single cession was made; that it abrogates the condition upon which some of the States came into the Union; and that it sets at naught the terms of cession spread upon the face of every grant under which the title to that portion of the public lands is held by the Federal Government?" Again, alluding to the deeds of cession, he says: "The constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that nothing in it 'shall be construed to prejudice any claims of the United States, or of any particular State,' it virtually provides that these compacts shall remain untouched by the legislative power, which shall only make all 'needful rules and regulations' for carrying them into effect."

At the date of the original grant, the States, whatever may be the modern doctrine, were independent sovereignties, associated together by articles of confederation; and, bearing this in mind, it is evident that the use and benefit contemplated by the grant were such as might be enjoyed by them in their separate, as well as in their confederate, character.

It is a mistake to suppose, as my colleague does, that the lands, after paying the subsisting debt, were dedicated solely to the purpose of lessening the requisitions upon the States. I do not deny that the application of the fund to the common purposes of the confederacy would be one method by which the States might realize the benefit reserved. But it is not the sole method. Like every other common fund, the lands themselves may be divided, or the proceeds distributed severally among those entitled to the beneficial use: the terms are sufficiently comprehensive to authorize such division. There is nothing to confine the use to the parties in their aggregate capacities. Had this been the sole object, it would have been attained by simply declaring that the proceeds should, in all cases, be paid into the common Treasury. But the provision is not that the lands shall be appropriated to the general charge and expenditure, but that they shall be a common fund for the use of the States, Virginia inclusive, according to their respective proportion of that charge and expenditure. The charge and expenditure are not mentioned as the purposes to which the fund is to be applied, but as constituting the measure or ratio by which the rights of the respective States shall be adjusted.

A large amount arising from the sales of lands is now in the Treasury. It is not wanted for general expenditures. The public necessities do not require it. To hold the lands out of the market, which would be our duty, if the proceeds can only be used to meet general expenses, would, it is said, unjustly retard the settlement of the Western States. The President recommends that the principles on which the compromise of the tariff was settled should not be disturbed. From these causes it is probable that the revenue, from sources independent of the public lands, for the next six years, will suffice for all the public exigencies, and the fund from that source, unless wasted or divided, must continue to accumulate. If this be so, there is no method whereby the States can derive the benefit secured by the deeds of cession, and guarantied by the United States, but by receiving their due proportions of this common fund.

But this measure, so safe, just, and federal, in 1829, is now vile and unconstitutional. Every effort is made to decry and defeat it. I beg leave briefly to examine some of the principal objections arrayed against it.

My colleague complains of the injustice of the proposed *ratio* of distribution, and of the 15 per cent. claimed for the new States over and above their respective quotas. There may be some difficulty in deciding what would be the most just and legal rule of apportionment among the States. The Virginia deed of cession adopts the usual proportions in which they contribute respectively to the general charge and expenditure. If the measure of contribution to that expenditure, pointed out by the articles of confederation, be regarded as the proper basis of distribution, then the value of lands granted or surveyed will give the rule. But if the provision in the federal constitution, apportioning direct taxes among the States, be resorted to, the ratio of representation will be the ratio of distribution. This is the rule recommended by the President. In the message of December, 1830, he says: "The ratio of representation presented itself to my mind, and still does, as one of obvious equity; because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation." If one more equitable can be legally devised, let us adopt it. As to the idea of allowing 15 per cent. for the new States, the bill is not before us, and it is not proper, therefore, to discuss the provisons it may contain. I will only say, I am as much opposed as my colleague to any measure giving to the new States, or any others, an unjust preference. But the assertion of such a preference, or the doubt respecting the proper rule of distribution, forms no good reason why we should refuse to claim our just proportion, whatever that may be.

But to receive this, it seems, would detract from the dignity and independence of the States; they would become the stipendiaries of the General Government. This objection was fully answered in the message of December, 1830. The President says: "In regard to the last objection, its probable effect upon the dignity and independence of the State Governments, it appears to me only necessary to state the case as it is, and as it would be if the measure proposed were adopted, to show that the operation is most likely to be the very reverse of that which the objection supposes. In the one case the State would receive its quota of the national revenue for domestic use, upon a fixed principle, as a matter of right, and from a fund to the creation of which it had contributed its fair proportion. Surely there could be nothing derogatory in that. As matters now stand, the States themselves, in their sovereign character, are not unfrequently petitioners at the bar of the Federal Legislature for such allowances out of the national Treasury as it may comport with their pleasure or sense of duty to bestow upon them. It cannot require argument to prove which of the two courses is most compatible with the efficiency or respectability of the State Government."

I trust the States will never surrender their dignity or independence; but, considering the United States, in regard to the public lands, as a mere trustee, whose powers and duties are plainly defined, it is strange it should be gravely urged that there is any thing humiliating in demanding from them an execution of the trust. The States apply habitually to the General Government for custom-houses, post offices, post roads, and other benefits it was created to confer, without being supposed to sacrifice their dignity. But they are to be regarded as mendicants when only claiming what is lawfully their own!

But "money," we are told, is "power." Will the General Government then use this power more judiciously or more honestly than the States? It would be but a poor compliment to the States to say so. And from what quarter do we hear this? From those who

are willing to retain this corrupting power themselves. We hear it, too, from States which hold large portions of this fund of corruption, and have no scruples to receive it for purposes of internal improvement, while the Southern States refuse to participate. If we can be thus induced to abandon our rights, well may they laugh at us for our folly.

Another objection, of a similar character, is the apprehension that their respective quotas, if received by the States, may supersede the necessity of laying taxes, and, consequently, release the local Legislatures from their responsibility. This is certainly a great refinement. A State entitled to a sum of money sufficient to relieve its citizens for years from burdensome taxation is to surrender it, and insist upon being taxed by their Legislature, without necessity, for fear of releasing them from responsibility!

In stating his objections to the land bill, the President describes it as assuming a new principle. "Its object," he says, "is not to return to the people an unavoidable surplus of revenue paid in by them, but to create a surplus for distribution among the States." Such a system is justly denounced. But the objection does not apply to the measure now contemplated; the President recognises the propriety of distributing an "unavoidable surplus." "However willing I might be," he says, "that any unavoidable surplus in the Treasury should be returned to the people through their State Governments, I cannot assent to the principle that a surplus may be created for the purpose of distribution." But now this "unavoidable surplus" is upon us. We are not proposing to raise money for distribution. It is actually in the Treasury, to our great annoyance, and must continue to flow into it for six years to come. Nothing remains to be done, consistently with the views of the President himself, but to divide what we cannot avoid receiving, and what should not be permitted to accumulate, or be wastefully expended.

It is in vain to speak of the absurdity of raising money from the people, and then dividing among them the amount, reduced by the expense of collection and distribution. It is already unavoidably collected. If it were reduced to seven eighths, or even less, by expenses or otherwise, they should no more object to such deductions than a private proprietor should refuse the proceeds of his property, because a part had been deducted for the expense of selling it. They must take the seven eighths, in that case, or surrender the whole.

Mr. R. said he could not but apprehend that the administration had other views of the disposition of the public lands than those of dividing them, or distributing the proceeds proportionably among the States. As far back as December, 1832, the President speaks of them as having been ceded to the United States "for the purposes of general harmony, and as a fund to meet the expenses of the war," and adds: "As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people." And again: "It seems to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers, in limited parcels, at a price barely sufficient to reimburse the United States the expense of the present system and the cost arising under our Indian compacts." The advantages of accurate surveys are pointed out, and then follows this passage: "It is desirable, however, that, in convenient time, this machinery be withdrawn from the States, and that the right of soil and future disposition of it be surrendered to the States respectively in which it lies." The people of the West are represented as having paid the greater part of forty millions of dollars for the public lands, as having by their labor alone given them real value; and, after remarking that it cannot be expected that the new States will remain longer contented with the present policy, the opinion is expressed that it is best to abandon the idea of raising a future revenue from them. In the message returning the land bill, the President, speaking of the system proposed by that bill, appeals to the just men of the West to reject it; and then declares that he adheres to the opinion expressed in his annual message of 1832, "that it is our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands, their survey, and sale;" and adds: "I do not doubt it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated; and that, after they have been offered for a certain number of years, the refuse remaining unsold shall be abandoned to the States, and the machinery of our land system entirely withdrawn. This plan for disposing of the public lands impairs no principle, violates no compact, and deranges no system."

Thus it seems that the President, who saw in a deduction of 12½ per cent. for the new States a violation of the trust the Government had assumed, can yet see none in surrendering to them the whole. But the just men of the West will not ask it; their sense of justice will revolt at the thought. The forty millions they have paid has not been extorted from them in the way of taxation. They have received, in the lands they have acquired, a full equivalent; probably three, four, in some cases ten-fold, the value of their money. What would be thought, among individuals, of one who, having purchased a small portion of his neighbor's land for less than its value, should set up a pretension, on that account, to the residue of the tract? The United States have sold some forty millions of acres, worth probably, at the lowest calculation, eighty millions of dollars, for not much more than half that sum; and we are asked to surrender perhaps hundreds of millions more to the purchasers, provided they will reimburse the expenses incurred in surveying. If such a proposal were not a plain violation of every principle of justice, as well as of the compacts entered into by the United States, its gross inequality alone would condemn it. The State of Ohio, for example, with a million of inhabitants, could only get about five millions of acres, while Michigan, with sixty or eighty thousand inhabitants, might receive about seventeen millions, with a reversion, upon the extinction of the Indian title, in upwards of eighty millions more. Nor have we any right, Mr. Chairman, strictly speaking, to reduce the price of public lands below their market value. This is but another mode of giving them away. We hold them for the common benefit of all the States, and for no other use or purpose whatsoever. A liberal policy requires nothing more than that we should bring them into the market as rapidly as they can be settled, not that we should adopt a system which will throw them into the hands of speculators, who will raise the price upon the settlers. The States alone to whom these lands belong, in their character of sovereign States, can authorize a surrender to the Western people. A just participation is all, however, that the new States can ask in the division of property, once exclusively belonging to the old States, and generously surrendered by them for the common benefit of all.

There is another ground upon which the former land bill was opposed, alluded to by my colleague: it is the provision requiring that the funds to be distributed should be applied to education and internal improvements. This provision was supposed to reassert the principle

contained in the Maysville road bill; but it is omitted, I understand, in the bill now before the Senate, and the objection, of course, is inapplicable. Such a provision ought not to be adopted; not merely for the reason assigned, but because the funds rightfully belong to the States; and the General Government, though bound to pay them over, has no power to direct the manner in which they shall be used.

The distribution of the surplus revenue among the States was, evidently, at an early period of the present administration, a favorite measure. It was then warmly recommended, upon the ground that if retained it would be injudiciously and improperly expended in works of internal improvement. The doctrine of internal improvement by the General Government was then regarded with alarm. In the message of December, 1830, after combating that doctrine, the President alludes to his plan of distributing the surplus, and says: "That the plan under consideration would derive important advantages from its certainty; and that the moneys set apart for these purposes would be more judiciously applied, and economically expended, under the direction of the State Legislatures, in which every part of each State is immediately interested, cannot, I think, be doubted." But the case is now altered. Instead of distributing the surplus for fear of its being employed in schemes of internal improvement, the distribution is violently opposed, and the surplus is to be retained, for the purpose, among others, it can scarcely be doubted, of carrying on those schemes on an extensive scale. Does my colleague, who so warmly opposes the plan of returning to the people any portion of the money arising from the sales of their lands, desire to see it thus appropriated? Rather than distribute it, will he throw it away wantonly, or leave it as heretofore to be held by other States, or expended in internal improvements, from which the Southern States, standing on their constitutional integrity, derive little or no advantage? But the Maysville veto, it seems, ought to quiet all our apprehensions. Yes, sir. Mr. Clay, he tells us, declared that internal improvement lay crushed beneath the veto. If my worthy colleague, instead of relying upon the gloomy forebodings of the great advocate of this doctrine, had examined into the facts, he would have arrived at a very different conclusion. He would have seen the doctrine not only lives, but flourishes. It is true, that petty improvements, like the Maysville road, that only cost a few thousand dollars, are no longer regarded as lawful; they are merely local. But national improvements, those that connect two or more States, and cost hundreds of thousands, are strictly constitutional. Yet it is difficult to conceive of any improvement, however local, that may not, in some degree, be said to benefit the whole Union; or any, however national, that will not benefit particular portions more than others. Every path or road, however small, leads to some outlet, and that to a larger, connecting two or more States, as certainly as every spring flows to the ocean. But the improvement is also legal, even though wholly within the limits of a single State, provided it be below a port of entry. What reason there is, why an obstruction below a port of entry may be removed for the benefit of commerce, and not an impediment above it, it is difficult to understand; or why, if a river, as is contended, may be improved in its natural channel, a canal or railroad may not be run alongside. The State of Virginia is now engaged in making a connexion between the city of Richmond and the mouth of the Kenawha: why may not the General Government take it up, and extend it to Pittsburg? Upon the principles asserted, this improvement has a double title to its patronage; for it is designed, not only to connect two States, but also two ports of entry. Sir, there is nothing in these nice distinctions. There are no limits to the doctrine, or rather the limits are coextensive with those of the Union; and the practice has kept pace with the doctrine. I beg leave to refer my colleague to a tabular statement, compiled, apparently, with great care, though I cannot vouch for its accuracy, from the report of the Secretary of the Treasury of January, 1835, to show how far the present administration is entitled to praise for having crushed the doctrine of internal improvement.

By this statement* it appears that the whole expenditures, since the origin of the Government, in internal improvements, (exclusive of the Cumberland road, the Chesapeake and Delaware canal, the Louisville and Portland canal, the Dismal Swamp canal, and the navigation of the Mississippi,) amounted to $4,372,345 46: of which there were expended during

Mr. Jefferson's administration,	8 years,		$000,000 00
Mr. Madison's	do.	do.	216,777 24
Mr. Monroe's	do.	do.	346,901 19
Mr. J. Q. Adams's	do.	4 years,	1,040,045 78

And the first 4 years of Gen. Jackson's, 2,768,621 20 more than double the amount expended, in the same time, by the preceding administration, and nearly two thirds of the sum expended since the origin of the Government.

Upon the other improvements mentioned, there were expended $6,000,543 98; of which were expended during the first 4 years of the present administration, $2,768,621 20; nearly one half of the whole amount.

The inequality of the disbursement is equally remarkable. Of the $4,372,345 46, first mentioned, the States of Kentucky and South Carolina, it appears, received no part, and the State of Virginia the paltry sum of $80 only; and, to present the inequality in a still more striking view, the six Southern and Southwestern States, (Virginia, North Carolina, South Carolina, Georgia, Kentucky, and Tennessee,) shared among them $242,667 68, while New York alone received $446,271 76, and Ohio $859,124 64. Upon the new States, especially, hundreds of thousands of dollars, and millions of acres of land, have been lavished for schools and colleges, and works of internal improvement. These donations and expenditures not only directly added to their wealth, but indirectly, also, by facilitating their commerce, and enhancing the value of their property, while the old States—and among them those by whom a vast domain was gratuitously surrendered—derive no benefit from it, and little or no aid of any kind from the General Government. Indeed, while they bear their full proportion of the sums thus expended, their capital and population are constantly tempted away from them by the superior advantages bestowed on the favored regions of the West. We do not repine at the prosperity of other States; we rejoice to behold it. But possessing, as many of them do, great commercial advantages, and superior fertility of soil, there is no reason why they should enjoy more than their due proportion of the common property. It is time that this injustice should be arrested; and the most effectual means of doing this is to distribute the fund justly among all.

But the enormous increase of expenditures on internal improvement, under the present dominant party, is not the only instance in which it has deviated in practice from the principles it professed. Those principles were proclaimed in the report, to which I have already alluded, made in 1826 in the Senate, (Mr. Benton's,) and in this House in 1828, (Mr. Hamilton's.) The report of 1826 was accompanied by six bills, carrying out the doctrines of retrenchment and reform. But no effective scheme, Mr. Hamilton told us, could be expected "without the cordial aid of the Executive." Well, sir, "the

* See page 3143.

party" shortly after came into power; they have now had a full sweep, with an Executive of their own choosing, for seven years; and what have they done? What retrenchments have they effected? What abuses reformed? Is it not admitted that our expenditures have vastly increased, and abuses of every kind multiplied? Look only to the expenses of Congress. In the year 1834, the appropriations, including books, and all contingencies, unless I have made an error in computation, exceeded a million. It is true, there have been some attempts, in a small way, at retrenchment. In 1829, an effort was made to effect a reduction of two dollars per day in the pay of members of Congress, after a certain period of the session; but it failed by a majority of two to one. The next session a further attempt was made to retrench, by disallowing pay to absent members during their absence. A resolution to this effect actually passed the House, but was lost in the Senate: and thus seems to have ended the grand scheme of retrenchment and reform.

So far from remedying abuses, every obstacle seems thrown in the way of inquiry, and the grossest negligence is evinced in regard to measures of great public interest. An inquiry was instituted in the Senate, as early as December, 1830, into the management of the Post Office Department. It was moved again in the Senate on the 25th June, 1834, and in the House on the 26th, a few days previous to adjournment. The Senate committee reported on the 27th January, 1835. The House committee, having had leave to sit during the recess, and subsequently during the sitting of the House, made their report, or rather two reports, on the 13th of February, 1835, three days after the Senate had sent down a bill changing the organization of the Department. That bill, passed by the Senate without a dissenting voice, was, on the 13th February, referred to the Post Office Committee, who reported it on the 21st, with an amendment. The amendment was to strike out all after the enacting clause, and insert a new bill. It was then committed to a Committee of the Whole, and was never heard of again.

A vast number of bills, some of them as important as any ever presented to Congress, shared a similiar fate. I will mention the custom-house bill, the patronage bill, the judiciary bill, the Ohio and Michigan boundary bill, the deposites bill, and the fortification bill. Most of these had been matured in the Senate, and only awaited the action of the House. Yet they were all swept by the board.

The Secretary of the Treasury, in a report to the Senate, suggested changes in respect to the number and compensation of custom-house officers, whereby an annual saving might be made of $177,150. This report was called for in June and July, 1832; but, owing to the burning of the Treasury building, and other causes, was not made till December, 1834. Such is the derangement of our affairs, and the multiplicity of abuses, as almost to defy scrutiny or reform. Why has not this recommendation of the Secretary been pursued? What excuse can be made for permitting this immense annual loss?

The condition of the public deposites, too, is such as to demand some measures for their security. The necessity of regulation upon this subject has been repeatedly urged upon Congress by the President. I will do the then chairman of Ways and Means (the present Speaker) the justice to say that, during the last session, he frequently pressed it upon the attention of the House. But nothing was done. All these great interests were neglected; and there is every probability that the present session will also pass away without any effective legislation. To whom is the neglect to be ascribed? It must be charged upon the administration party. If that party, having so large a majority, cannot get on with the public business, it is time they should surrender it to those who can.

Sir, every thing is conducted upon party principles; the public service is lost sight of in looking to the interests of party. The Post Office reports developed the most flagrant abuses. Frauds were detected in the mode of making contracts; large sums of money were borrowed without lawful authority; the Department converted into a party machine; appointments and removals made, not for the public good, but in subserviency to party views. Yet no man has more strongly condemned such conduct than the Chief Magistrate under whose administration it is practised. Mark, sir, what he says in his letter to Col. Monroe: "Now is the time to exterminate the monster, party spirit. By selecting characters for their probity, virtue, capacity, and firmness, without respect to party, you will go far to eradicate those feelings which, on former occasions, threw so many difficulties in the way of Government, and, perhaps, have the pleasure and honor of uniting a people heretofore politically divided. The Chief Magistrate of a great and powerful nation should never indulge in party feeling. Consult no party in your choice." In one sense, indeed, the President has conformed to the recommendation he gave, of paying no respect to party. Since the commencement of his administration, his cabinet has displayed all the colors of the rainbow. Federalists of the deepest dye are selected for the highest offices. It matters not what may be the political complexion of the aspirant, provided only that he shall subscribe to the infallibility of the political pope.

In his letter to the Tennessee Legislature, the President warns us against the danger of appointing members of Congress to office. He expresses the opinion, that if a change should not be effected in the constitution, and important appointments should still continue to devolve on the Representatives in Congress, that "corruption will become the order of the day." Yet, what former administration has so frequently exercised this corrupting power as himself? I will not enumerate the instances. But there is one that ought not to pass unnoticed. A former Speaker of this House (Mr. Stevenson) was nominated, while presiding over its deliberations, to a foreign embassy. It appears, by a report laid before the Senate, that, shortly after the close of a previous session, in which also he had presided, he had received a letter notifying him of the President's intention to nominate him. The nomination was rejected. The Senate had the same constitutional right to reject as the President to nominate. Both derive their power from the same clause in the same instrument. We are bound to suppose the nomination would not have been made, had not the public interests required it. Yet the office was permitted, for nearly two years, to remain vacant. The public service has been neglected, because the Senate did not yield obedience to the President's will. Recently, he has renominated the rejected individual, and found a more complying Senate. In thus returning upon the Senate those they have rejected, (and this is not the only instance,) the President has virtually clutched the entire power of appointment. Since his accession, the powers of appointment and removal have been exerted in the most arbitrary and tyrannical manner. In the Post Office Department alone, the report of the minority informs us, nearly 1,300 have been swept from office. This proscriptive policy ought not to be tolerated. It is calculated to repress the independent expression of opinion in regard to men in power, and to rear up a race of sycophants. Yes; servility has become the passport to promotion, the point of honor. And one, high in the estimation of the dominant party, has not been ashamed to utter the sentiment, that it is glory enough for him to serve—a man like himself. Sir, it is a sentiment that would degrade a slave.

Mr. ROBERTSON was proceeding with his remarks, but gave way to a motion that the committee rise.

On the succeeding day, Mr. ROBERTSON resumed and concluded his remarks, as follows:

Mr. R. said he had adverted yesterday to the inattention of the House of Representatives to the public business, manifested in the failure of numerous important measures during the last session, many of which had been matured in the Senate; and especially to their neglect in regard to the Post Office Department. The want of reorganization in that Department had been forcibly represented in the annual message of December, 1834. The developments of the investigating committee had demonstrated its necessity. Still (said Mr. R.) we have approached the close of another session, and nothing has been done to reform abuses unequivocally proved, or prevent their recurrence in future. So far from it, the chief clerk, to whom much of the blame was imputed, when he could no longer be retained in office, was permitted to retire, by a resignation, instead of being at once dismissed; and the head of the Department actually promoted to one of the highest offices in the gift of the Executive. Sir, it is a bad precedent thus to reward official neglect. This officer has gone to his grave. I do not wish to war with the dead, or say any thing to wound the feelings of his surviving friends. From what has been said of him, there is reason to believe that he was one "more sinned against than sinning." He was very probably the dupe of others. Indeed, the present incumbent tells us, as an apology for his failure, that "he was too good a man." It is pity the public interest should suffer from such a cause; and fair to presume that, following out this idea, care has been taken to guard against a similar error by selecting one no better than he should be.

The minority of the committee appointed to examine into the management of the Post Office desired to ascertain the reasons of the unexampled proscription which had been practised by that Department. But they were overruled by the administration majority. They then limited their inquiries to specified cases. They called on the Postmaster General for information touching the removal of Safford, the postmaster at Putnam, Ohio. He sent them several letters relating to that subject, which they desired to put on file, for the information of the House and the public. But, on the motion of Mr. Beardsley, these letters were ordered to be returned to the Postmaster General, as containing "nothing which in the slightest degree impeaches the motives or criminates any act of the Postmaster General, or is in any respect material to any object of legislation, or of public interest or concern." On this motion the yeas were—Messrs. Connor, Beardsley, Hawes, and Stoddert; nays—Messrs. Whittlesey, Everett, and Watmough. Yet we are informed that those letters proved that Safford had been a friend of the administration, and that an application was made for his removal, on the ground that he was not a real supporter of it; that his friends opposed his removal, on the ground that he was, in fact, a supporter of the administration; that no other cause was assigned or claimed by the Postmaster General to have existed. Safford was removed. Herron, of whose political faith the report tells there was no doubt, was appointed in his place. A member reminds me (said Mr. R.) of the sequel of the story. Herron, as might be expected of one who could seek or obtain office on such terms, considered the public money as his lawful spoils, and, in the brief space of twelve or eighteen months, disappeared, a fugitive from justice.

I will not tediously consume the time of the committee in enumerating instances of similar persecution. I will only recall their recollection to the case of Mitchell, postmaster at Portland, Maine, and of Wyman, postmaster at Lowell, Massachusetts; both, it is said, removed to make room for partisans of the administration, at the instance of a republican meeting, or a democratic committee. These summary proceedings strongly resemble those which are said to have occurred during the Spanish revolution. Men were taken from their homes and shot; when the passing stranger inquired the cause, he was told, they were shot at the request of the people. Far worse; men here are hurled from office; they and their families turned adrift, perhaps to beg for their bread, not at the request of the people, but of a democratic committee; and for what offence? For difference of political opinion: not for opinions adverse to free institutions: not for differing about principles, but about men. Sir, it is a vindictive policy; a grinding oppression. In my native State, some years past, the practice of duelling, notwithstanding the most rigorous penalties, prevailed to an extent which called for every effort to suppress it. The thought occurred to our legislators, of incapacitating all who might be concerned in a duel from holding any office under the Commonwealth. The ardent youth, who had disregarded the threat of death, were yet unwilling to be stigmatized as a degraded *caste*, and deprived of the privilege of serving their country. The law produced an effect beyond what was anticipated by its warmest advocates. From that day the practice may be said to have ceased within the limits of the Commonwealth. What should we think of a law making it an offence to speak freely of public men or measures, and excluding a citizen from office on that account? Yet, sir, under this republican administration, those who will not bow down before it are subjected to this penalty—a penalty annexed in Virginia to what is regarded as a crime against the State; yes, sir, practically disfranchised—as effectually as if denounced in your statute book. The Government that does this is a practical tyranny. It is in vain that my colleague attempts to justify it by quoting Mr. Madison's authority in support of the power of removal. He ought to have recollected the reasons assigned by Mr. Madison for having no fears of the abuses which we now witness, and which no man can more strongly condemn. I beg the attention of my colleague to what Mr. Madison says: "It is contended," (says Mr. M.) "that the danger consists in this: that the President may remove from office a man whose merit requires that he should be continued in it. Let us consider what motive he can have for such an abuse of power, and what will be the check upon him. In the first place, he will himself be impeachable for the wanton removal of a meritorious officer, and will himself be removed from his high trust." Again, he says: "I own it is an abuse of power which exceeds my imagination, and of which I can form no rational conception." No, sir; Mr. Madison is the last man who would vindicate the outrageous abuses practised by men calling themselves democratic republicans! He believed that that which has been done by the President and his heads of Departments would be good ground of impeachment and removal. But the administration majority see nothing in it "in the slightest degree culpable, or even of any public interest or concern." He could not conceive, in the purity and simplicity of his heart, the possibility of that abuse which is now hourly practised, and shamelessly avowed and vindicated.

Among other subjects of great interest, touched upon by my colleague, was the situation of the public money since the removal of the deposites. I have no intention, Mr. Chairman, of entering at large upon the question of the legality of that measure, already so often and so ably discussed. It was condemned by my own State, on the ground that the President had transcended his authority. To say the least, he exercised a doubtful power, in violation of his own doctrine, without necessity. What justification was there for anticipating the action of Congress soon about to be convened? Will it be said they

would not have sanctioned the measure? Yes; this has been said by way of apology for his taking the law into his own hands. He has even been applauded for carrying this point by superseding the rightful authority of Congress; complimented for having achieved a victory as brilliant as that of New Orleans.

The law organizing the Treasury Department required that the Treasurer should receive and keep the public moneys. Afterwards they were directed to be deposited in the Bank of the United States, unless the Secretary of the Treasury should otherwise order. But this power was to be exercised by the Secretary, according to his own discretion, and was merely prohibitory. The former law was unrepealed, and, upon such prohibition, the duty of receiving and keeping the public money again devolved upon the regular officer, the Treasurer, to whom it was originally assigned, and whose office has never been dispensed with. No power was ever given to the President to keep it, or transfer its custody to others. Such a power cannot be inferred from his implied authority to remove the Secretary of the Treasury. Sir, it would be as logical to contend, because he may remove the officers in the Post Office Department, that he has power to control them in all respects, and to require them to deliver your letters or mine into his hands, or those of his private secretary.

In his last message to Congress, the President tells us that the controversy with the Bank of the United States "has resulted in severing to some extent a dangerous connexion between a moneyed and a political power." Sir, I fear it has only cemented, still more closely, the bonds of that dangerous union. It has united a vast moneyed power to the political power of that Department, in which the whole executive authority is wielded by one arm, and directed by one will. It has broken the connexion between the Government and a bank with thirty-five millions of capital, and formed one with upwards of forty banks, wielding nearly fifty millions, exclusive of public deposites. We have been long flattered with the promise of a hard-money currency. We were told, too, by the Secretary of the Treasury, in his report of the last session, that banks are by no means necessary to the fiscal operations of the Government. Little faith is due to the sincerity of these declarations. At least, no plan for effecting this object has as yet ever emanated from the Secretary; on the contrary, various propositions at the last session to obtain his plan, and dispense with such agency--one of which I had myself the honor to submit—were all overruled by the administration majority.

The condition of the public money since the removal of the deposites, it cannot be doubted, has given a vast accession to the power and influence of the Executive. An increased number of banking corporations, with all their officers and stockholders, is now deeply interested in the distribution and use of the public funds. They look for favors, and, to obtain them, must become supporters and partisans of the administration. So important is the existing connexion between them and the Government, that some of them, it is said, have an accredited agent near the Treasury to represent their interests.

But it was a matter of necessity, my colleague says, to deposite the public moneys in these banks; it was safer than to place them in the hands of individuals. But what occasioned this necessity? The President brought it upon himself by his own unlawful act. Sir, it is a startling position, that assumed by my colleague, that the President possesses unlimited authority, at his mere will, to transfer the whole public treasure to any place he may think fit, or even commit it to the hands of private individuals. That single remark is better calculated to show the enormity of the power he has assumed, than the most elaborate argument. No one distrusts the personal integrity of the President. But it is an unsound and a dangerous doctrine, which authorizes him or his successor to intrust the whole revenue of the country to the envoy extraordinary and minister plenipotentiary of the deposite banks, or give it for safe keeping to the Albany regency.

Sir, it is manifest that there is impropriety and danger in the present system of managing the public treasure. The President seems conscious of this, or finds that he has taken upon himself a burdensome duty. As far back as December, 1834, he earnestly invited Congress to make suitable legislative provisions respecting the deposites in the State banks. But, urgent as the necessity appears, as yet none have been adopted.

I cannot omit, Mr. Chairman, to notice another flagrant proof of the neglect of the public interests by the dominant party. I allude to the failure of the fortification bill of the last session. My colleague has, very properly, left that question to be settled by the parties concerned. I have but little to say upon it. It has been fully discussed. The loss of this bill has been made the subject of grave accusation, upon high authority, against the Senate, and incidentally against the minority in this House. The charge has been met and repelled. It has been shown, to the satisfaction of every candid man, that the blame was with the ruling majority, and chiefly upon the chairman of our conference committee, [Mr. Cambreleng.] That gentleman was directed to report an agreement of the committee, but thought proper to remain silent, upon a gratuitous assumption that there was no quorum.

[Mr. Cambreleng said he had not made a gratuitous assumption. The former Speaker would tell the gentleman there was no quorum.]

Mr. Robertson resumed. If the former Speaker were in his seat, he would say there was a quorum present when the gentleman returned, and long after. The gentleman had inferred there was no quorum, because only one hundred and thirteen members had voted recently before, or about the time of his return. Nothing is more common; it is a thing of daily occurrence that a less number than a quorum votes, when a full quorum is actually present. But who, sir, authorized the chairman of the committee to decide that question? It was his duty to make his report, or at least to offer to do so, and leave it to the House to decide whether they could receive it. Any fifteen members might have compelled the attendance of absentees. Seven only, at most, were wanting, in addition to those who had just voted on a resolution before the House; and it is a fact shown by the journals, and which, perhaps, has not been distinctly brought to the view of the committee, that on a motion to adjourn, made shortly after, thirteen members voted who did not vote on the resolution, showing six over a quorum; and, further, that on the final motion for adjournment, twenty-six members voted who did not vote on the resolution, showing a number within the control of the House, when the chairman returned, and who had no scruples against voting, of nineteen over a full quorum. But the design was to throw the blame upon the odious Senate; and this measure, agreed upon in conference—a measure required for the defence of the country, and which, I doubt not, the Senate, as well as the minority of this House, were anxious to adopt--was suppressed and lost by the friends of the administration, and especially in consequence of the course pursued by the gentleman from New York, [Mr. Cambreleng.] For myself, sir, I would have voted for it willingly in the shape it came from the committee, though opposed to the contingent appropriation of three millions which it originally contained. That enormous appropriation was at war with sound republican principles; nor was

there any occasion which justified it. The sums authorized by the bill, without it, were amply sufficient, in case war should not ensue; and if that should have seemed inevitable, Congress must have convened before the residue of the appropriation could have been exhausted. But, sir, the private wishes of the President had been made known and circulated confidentially among some of the members of the House. This is another and a striking proof of the exercise of executive influence over its deliberations. The constitution requires open communications from the President to Congress. If the practice of influencing members through private unwritten messages shall be indulged or tolerated here, there is an end of the independence of this body. It will be as well to extend a little further the modern doctrine of expunging, and, in addition to the clause requiring both Houses to keep a journal, to expunge that which declares that Congress shall assemble at least once in every year. It would be better at once to adopt the advice of Major Downing, and dispense with so superfluous a machinery.

No man can view without apprehension the rapid growth of executive power and influence since the accession of the present administration, nor without being struck with the contrast between the republicanism of 1798 and the Jackson democracy of 1836. I have already alluded to the celebrated reports made in 1826 and 1828, asserting the doctrines of the old republican party, and their plans of retrenchment and reform. I beg leave to advert to some of their leading principles and views. [Mr. R. read passages from the reports of Mr. Benton and Mr. Hamilton, illustrative of the tenets of the republican party.] Yes, sir, the old republican party were the advocates of economy in expenditures; they apprehended danger from the enormous power of the Executive, resisted its encroachments, and denounced its abuses; above all, they earnestly deprecated the employment of a Government press. I ask the especial attention of the committee to the eloquent remarks of the author of the report of 1828, whose sincerity none will question. [Mr. R. read a passage from the speech of Mr. Hamilton, delivered in the House of Representatives, in February, 1827.*]

I can add nothing to the force of the argument here presented. But how have these doctrines been carried out? At the last session of Congress a resolution was offered to exclude all persons concerned in public journals from any share in the printing required for the Government. Another resolution (which I had myself the honor to submit) proposed to dispense with the office of printer to either House of Congress; to provide that all printing on public account should be done by contract; and to exclude from any participation all who held office under the Government. You well remember, sir, the fate of these propositions. In a report drawn by yourself, the proposed exclusion of the editorial corps was described as an unconstitutional proscription. Yet to my mind it seems clear that, if we have the power to create the office, we have the right to determine its qualifications. We may admit or exclude aliens or minors, without violating the constitution; and if so, may, upon the same principle, exclude editors or officers of Government, if their appointment be incompatible with the nature of the office, or injurious to the public interests. These propositions, like most other attempts, during the present administration, to carry into practice the doctrines of reform so ably maintained by the old republican party, were put down. The office of printer to the House of Representatives has been bestowed upon the official organ of the Executive; upon the editor of a political journal devoted to the indiscriminate support of the dominant party and abuse of the opposition. Has a solitary instance ever occurred in which that journal has denounced, or even questioned, an executive measure? Yet he will receive from the public Treasury probably not less than eighty or one hundred thousand dollars annually, and realize, it is supposed, a profit exceeding the salary of the highest officer of the Government. There is danger, sir, in thus selecting the organ of the Executive as the officer of the House of Representatives. It brings into too close association departments which the public interests as well as the constitution require should be separate and distinct. Nor is this all. Let any man look to the Blue Book, and compare the number and compensation of public printers in 1827, when reform was so urgently demanded, with those in 1835 and 1836, and he will have still stronger evidence of the difference between profession and practice. We have heard much of the danger of a standing military force; sir, a standing army of venal editors is far more dangerous to liberty. Force may be repelled by force, and the arm of one man who strikes for freedom may prevail against a host of mercenaries; but the press, when subsidized by power, misleads the judgment and corrupts the heart.

In further proof, Mr. Chairman, of our departure from sound republican doctrines, and of the increasing influence of the Executive, I beg leave to mention a practice which seems to me of dangerous tendency, worthy of our serious notice. It has been often asserted in this hall, that, in appointing committees of the House of Representatives, members should be selected who are in habits of intimate intercourse with the President and heads of Departments, or acceptable to them. If such a practice has prevailed, as it is said, or is now gaining ground, it is time to arrest it. The Executive has nothing to do with the organization of either House of Congress. Their functions are different; and this attempt to unite them would be equally at war with the spirit of our institutions, and destructive of the best interests of the country. How would it sound, were it proposed to make a legal or constitutional provision, giving the nomination of our standing committees to the President or his cabinet? Would it not utterly prostrate the independence of Congress? And if so, ought a proceeding to be sanctioned by usage, which no republican would consent to establish by law? Such a course gives to the Executive the initiation of all laws. With the power to initiate, and the constitutional veto, what barrier is there against absolute power in the Executive department? This veto has been exerted with unusual frequency during the present administration, and even rudely threatened in advance. By a document laid on our desks during the present session, we are told that the President announced his determination to apply it, unless Congress should adopt a particular course touching the Ohio and Michigan controversy. Sir, such an intimation ought to be regarded as an affront to the dignity and independence of Congress.

And what are the mighty services which the party have rendered to the country, to atone for all the abuses they have practised? They tell us of the victory of New Orleans, and of the victory over the Bank of the United States. For the military services of General Jackson none is more willing to tender him all gratitude and honor. I could rejoice, too, sir, at his victory over the bank, had it not been accompanied by the assumption of dangerous powers, and followed by a vast accession to the already overgrown authority of the Executive. But it is to this or other measures of the administration the dominant party have ascribed the general prosperity of the country. Sir, the prosperity of the country comes from other sources. A higher power has made the sun to shine, and the showers to descend, and rewarded the skill and industry of our citizens. They claim credit,

* See extract at the end of speech, marked A.

too, for the payment of the national debt. The pretension is equally unfounded. You may as well ascribe it to the clerk who paid the money at the counter. The idea is as ludicrous as that of the old man who ascribed the shoals in Sandwich haven to the building of Tenterden steeple. When Sir Thomas Moore inquired of this old citizen (thinking him, from his great age, most likely to know) the cause why Sandwich haven was obstructed by sand, his answer was, "Sir, I am an old man; and I think that Tenterden steeple is the cause of the Goodwin sands." "And pray what is your reason," said Sir Thomas Moore, "for thinking this?" "I am an old man, sir," said he, "and I may remember the building of the steeple, and I may remember when there was no steeple. And before the steeple was built, there was no manner of speaking of any flats or sands that stopped the haven; and therefore I think the building of Tenterden steeple is the cause of the destroying of Sandwich haven." So, sir, we all remember when this administration came in; and we all remember there was then a national debt; and we all know the debt is now paid; but the administration, nevertheless, no more paid the public debt, than Tenterden steeple filled Sandwich haven with sand.

Nor can I assent, Mr. Chairman, to the high commendations bestowed by my colleague upon the policy pursued by the administration in relation to the recent controversy with France; nor agree with the gentleman from Maine, [Mr. Jarvis,] or others, who represent it as the universal belief of members, towards the close of the last session, that war would ensue. If that was the opinion of members, I can only say members did not speak what they believed. It is true none could know how far rash counsels on either side might carry us; but, at the period alluded to, no immediate collision was anticipated. Is it forgotten that the Senate had unanimously adopted a resolution, declaring that "there was no occasion for any legislative measures in regard to the state of affairs between the United States and France," and that a resolution to the same effect had been offered by one of my colleagues [Mr. Patton] in the House of Representatives? Is it forgotten that our then chairman of Foreign Relations himself, [Mr. Cambreleng,] in his report to the House, declared that there was "satisfactory evidence that the French Government desired that the indemnity should be paid, and reason to hope that the Chamber of Deputies would faithfully discharge the obligations of France to the United States?" This report was made on the 27th February, four days only previous to our final adjournment. Yes, notwithstanding the obvious propriety of affording some time for deliberation; notwithstanding the chairman had been spurred, goaded, I may say, by the venerable gentleman from Massachusetts, [Mr. Adams,] he withheld his report till within a few days previous to the constitutional termination of the session. With these proofs before us, how can it be said there was at that time even a general expectation of war? For one, I could not bring myself to believe in the probability of such an event. War, sir! for what? We have heard of wars of ambition, of conquest, of revenge, of policy; but who ever heard of a war of etiquette? And yet, subsequent negotiations rendered it but too probable. Sir, history affords no instance of two civilized nations placed in a situation so ridiculous, and at the same time so perilous. We were brought, by the rashness and folly of those to whom we had intrusted our destinies, to a point from which it was ruinous to advance, and disgraceful to retreat; and we were snatched from the brink of the precipice, not by the good sense or ability of our negotiators on either side, but by the kind offices of a friendly Power, or the providential interference of Heaven.

But my colleague denies that the President recommended reprisals, or that reprisals are cause of war. I confess I was surprised at this. When he shall read the message again, he will find that the measure was recommended in terms too strong to admit of doubt. It is true, the President leaves the time to be decided upon by Congress; but he follows up this concession with an explicit opinion that, if the appropriation should not be made "at the next session, every day's delay on our part would be a stain upon our national honor;" and adds: "Since France, in violation of the pledges given through her minister here, has delayed her final action so long that her decision will not probably be known in time to be communicated to this Congress, I recommend that a law be passed authorizing reprisals upon French property, in case provision shall not be made for the payment of the debt at the approaching session of the French Chambers." Sir, it is impossible to doubt the meaning of this recommendation, or not to know that, had it been adopted, we should now have been in the midst of a bloody war. It will not do to say that reprisals are no cause of war: it matters not what may be the doctrines of Puffendorff or Vattel: the first blow that should have been struck, on the ground of reprisals, would have been instantly retaliated.

My colleague seemed conscious of this, and willing to excuse the administration by imputing the danger of a collision with France to the opposition, or the opposition papers in this country. He referred to an article in the National Intelligencer.

[Mr. Garland briefly explained. The articles in the National Intelligencer persisted in the assertion that the message conveyed a menace, and that the French Government ought so to consider it; and they also stated that the people of the United States would not sustain their own Executive in his recommendations. He had not said a word about the motives of the parties, but had stated the fact as it was.]

Mr. Robertson. Sir, I cannot believe that the French Government consulted Messrs. Gales & Seaton, to know what was due to itself, or as guides to direct its course. The President and his party disclaimed all intention of a menace; and it is, indeed, a flattering compliment paid by my colleague to the Intelligencer to suppose that more credit was attached, in France, to the views and statements of that paper, than to those of the Executive, its supporters, and its official organ. But we have peace: and rest the blame where it may of having endangered it, we have all cause to rejoice at its restoration: doubly so when we look to the manner in which the petty war in Florida has been conducted. Under this military administration we have seen three major generals, with a force of some twelve or fifteen hundred men, employed against a far inferior force of Indians. A gallant corps of upwards of one hundred of our countrymen has been cut off almost to a man. In the brief space of two or three months, we have appropriated upwards of eleven hundred thousand dollars; and if reports, apparently authentic, are to be credited, to such extremities have our troops been reduced, that they have been under the necessity of shooting away the traces of their wagons for ammunition, and using their horses for food.

Mr. Chairman, I am sensible of having too long trespassed on the indulgence of the committee. Some apology will be found, I trust, in the vast number of important topics brought under discussion by those who have preceded me. I have endeavored to touch them as briefly as possible. Before taking my seat, there is one other subject on which I beg leave to say a few words.

My colleague, in the course of his remarks, directly brought into view the approaching presidential election, and, to my great surprise, entered into a vindication of the Baltimore caucus.

[Mr. GARLAND explained. He said he had not introduced the subjects, but referred to them, in reply to the gentleman from Tennessee, Mr. BELL.]

Mr. ROBERTSON. If the gauntlet was thrown down on the one side, it was readily taken up on the other. I impute no blame to my colleague; but if it was lawful for him to reply, I presume I have a right to follow him. I agree with gentlemen, that this hall ought not to be converted into an electioneering arena; but it is a wholesome practice, Mr. Chairman, occasionally to review, with the utmost freedom, the course and policy of the Government: to examine how far they accord with those fundamental principles of which my colleague speaks, and on which our institutions are founded; to guard against the approaches of despotism. Nor should we be deterred from this review because some of the topics which lie in our way may be thought to bear on the pretensions of candidates for the presidency.

Sir, in my humble judgment, there has been a palpable and dangerous attempt, on the part of the President, to interfere in the approaching election of his successor, and to give the influence of his name and power to the support of his favorite candidate. The charge of dictation, I know, is denied; but the letter itself, containing the denial, leaves no room to doubt that the attempt was made, as far as it was prudent to make it. I request that the Clerk may read it. [The Clerk read the following letter from Gen. Jackson to the Rev. James Gwin.]

"WASHINGTON, *February* 23, 1835.

"MY REV. SIR: I observed in the National Republican of the 10th instant an article headed 'General Jackson's Preference,' which I think it my duty to notice.

"All my friends know that, since I have been in the executive chair, I have carefully abstained from an interference with the elective franchise; and have invariably acted upon the principle that to the people belonged the exercise of this sacred right, uninfluenced by any considerations but those which related to the public good. And yet the editor of this paper, professing to entertain great respect for my character, undertakes to connect me personally with an attempt to divide the great body of republicans in the choice which they are to make of a President; and, by way of giving effect to his insinuation, appeals, in the language of my bitterest enemies, here and elsewhere, to the independence of the people as a shield against 'my dictation,' which he supposes may be attempted.

"Every one must see that the professions of the editor in that article are made to take the form of friendship, in order that he may more successfully carry out his purpose of opposing the great republican principles which I have endeavored to advance as President of the United States; and one of which, not to say the most important, is the necessity of looking above persons in any exigency which threatens the ascendency of those principles. All my friends must perceive that, to be consistent, my preference, as far as men are concerned, ought to be for him that is most likely to be the choice of the great body of the republicans; and yet, if this individual should not be Judge White, the editor of the Republican is ready to cry out 'dictation.'

"Under such circumstances, seeing also that there are various misrepresentations of my views on this subject, I commit this letter to your discretion, in order that you may do me justice.

"You are at liberty to say, on all occasions, that, regarding the people as the true source of political power, I am always ready to bow to their will and to their judgment; that, discarding all personal preferences, I consider the true policy of the friends of republican principles to send delegates fresh from the people to a general convention, for the purpose of selecting candidates for the presidency and vice presidency; and that to impeach that selection before it is made, or to resist it when it is fairly made, as an emanation of executive power, is to assail the virtue of the people, and, in effect, to oppose their right to govern.

"I send the paper containing the article I refer to, and request you to show this letter to the editor, in order that he may no longer misrepresent me. Acknowledge the receipt of this letter.

I am, in haste, your friend,

"ANDREW JACKSON.

"The Rev. JAMES GWIN,

"*Nashville, Tenn.*"

Mr. R. continued. This letter has been published by authority. The writer had too much tact, he knew too well the character of those with whom he had to deal, to venture on an absolute command. The American people may be led; they cannot be driven. But he announces his preference in language too plain to be misunderstood. The expression, "and if that preference should not be for Judge White," removes all doubt upon this subject. Why was this preference disclosed? What occasion was there, if the object was merely to disclaim all intention of interference, to allude to his individual preferences or objections? Can the design be doubted? But, sir, he goes farther. He points out plainly the manner in which that design is to be accomplished. It is true he professes to bow to the will of the people. Few men have ever attempted to control or sway the people, but by courting their confidence and invoking their aid. Bonaparte, Cæsar, Cromwell, all bowed to the will of the people. What could a single man effect against opposing multitudes? Yes, sir, he regards the people as the source of political power; he does not mean to dictate, but he considers the true policy of the friends of republican principles to send delegates, fresh from the people, to a general convention, for the purpose of selecting candidates for the presidency and vice presidency. Here is no interference; the President only gives his opinion of the true policy which the friends of republican principles should pursue, and then tells us, "that to impeach that selection before it it is made, or to resist it when it is fairly made, as an emanation of executive power, is to assail the virtue of the people, and, in effect, to oppose their right to govern." Now, sir, was it not universally known who was the President's choice? Does any man doubt that he meant, by the "friends of republican principles," his own supporters and the friends of Mr. Van Buren? Was not the fact that the convention was actually called for the purpose of nominating Mr. Van Buren as well known before the nomination as after?

If any doubt existed previously of the disposition of the President to interfere, the publication of this letter utterly dispelled it. It means, in plain English, I prefer Mr. Van Buren as my successor; I recommend a convention to nominate him, and regard all who shall oppose the nomination as enemies of the country. How my colleague and his political friends in Virginia will reconcile their disobedience to the will of their chief, I know not. It is true, they seem willing, for the most part, to concur in the nomination of Mr. Van Buren; but they could not go all lengths. They may be brought to support for the presidency a Missouri restrictionist, a supporter of an odious tariff, and of the right of Congress to abolish slavery in this District; but they have ventured to resist the nomination, for the inferior office of Vice President, of one whose tariff and internal improvement doctrines surely cannot be more difficult to digest. Yes, they not only dared to impeach this nomination before it was made, but have resisted it since. I fear, sir, they must be regarded by the faithful as deserters from "the

party;" or rather I trust they will; for they would deserve honor instead of censure for deserting a party which has deserted its principles.

When we reflect, Mr. Chairman, upon the vast magnitude of the powers wielded by the Executive; the influence exerted over both Houses of Congress, in the selection of committees, in the use of the *veto*, in the nomination of members to office, and in substantially assuming the entire power of appointment; when we see the connexion established between the moneyed capital of the country and the political power of the Executive, and the enormous patronage bestowed by the Government upon the political press; when we consider the host of officers, civil and military, who draw their daily subsistence at the will of the President, and his power to strike off every officer from the rolls of the army or navy, without even the formality of a trial; more especially when we behold the manner in which these powers are exercised; we have but too much cause to entertain apprehensions for the duration of our institutions. Lavish expenditures are authorized, encroachments excused, abuses justified, inquiry even suppressed: and all this by a party calling themselves democratic republicans; all for the good of the people; in the name of the "democracy;" yes, sir, of the modern democracy, whom you may behold rolling along the broad avenues of this city, in splendid coaches with white servants in liveries, throwing dust in the faces of the aristocracy traversing the side-walks on foot. Abuses and assumptions of power have other objects than the good of the people. Nor are they who practise them entitled to the name of republicans: they have but assumed the name, the better to assail the principles of republicanism. The wolf, disguising himself in the fleecy coat of the lamb, has gained admittance to the fold, and, assuming the rights of a conqueror, riots in the spoils of victory.

* *Statement referred to.*

States, &c.	Jefferson. 1802 to 1809.	Madison. 1810 to 1817.	Monroe. 1818 to 1825.	J. Q. Adams. 1826 to 1829.	Jackson. 1830 to 1833.	Total in each State, Territory, &c.
Maine	–	–	–	$47,176 27	$108,177 74	$155,354 01
New Hampshire	–	–	–	35,529 76	–	35,529 76
Massachusetts	–	–	$37,019 20	170,322 61	148,397 10	355,739 00
Rhode Island	–	–	–	200 00	30 18	230 18
Connecticut	–	–	–	25,889 14	21,609 15	47,498 29
New York	–	–	4,156 79	170,025 11	272,089 86	446,271 76
New Jersey	–	–	–	100 00	–	100 00
Pennsylvania	–	–	14,420 19	28,221 49	12,200 00	54,841 68
Delaware	–	–	–	34,513 00	569,858 02	604,371 02
Virginia	–	–	–	80 00	–	80 00
North Carolina	–	–	–	29,840 00	167,733 00	197,573 00
Georgia	–	–	–	7,514 68	10,400 00	17,914 68
Tennessee	–	–	–	200 00	27,000 00	27,200 00
Ohio	–	$215,568 78	87,117 93	160,278 61	396,159 29	859,124 61
Louisiana	–	–	–	6,435 00	40,118 96	46,553 96
Indiana	–	–	82,748 12	32,319 37	155,398 28	270,465 77
Mississippi	–	–	15,780 26	37,511 12	12,479 62	65,771 00
Illinois	–	1,208 51	6,791 49	500 00	72,876 00	81,376 00
Alabama	–	–	45,472 67	47,253 06	77,252 47	169,978 20
Missouri	–	–	13,065 48	11,509 61	19,892 44	44,467 53
Michigan	–	–	5,072 15	19,451 41	121,500 68	206,104 24
Arkansas	–	–	3,325 82	44,151 38	73,320 85	120,798 05
Florida	–	–	31,931 00	71,024 16	85,417 56	188,372 72
District of Columbia	–	–	–	–	376,630 00	376,630 00
Totals	–	216,777 24	346,901 19	1,040,045 78	2,768,621 20	4,372,345 46
Annual average	–	27,097 16	43,362 65	260,011 44	692,155 30	
Cumberland road	$14,201 90	659,048 30	1,054,961 00	715,245 00	1,280,074 43	3,723,530 63
Chesap'ke and Dela. canal,	–	–	192,500 00	257,500 00	–	450,000 00
Dismal Swamp canal,	–	–	–	200,000 00	–	200,000 00
Louisville and Portl'd canal,	–	–	–	233,500 00	–	233,500 00
Chesap'ke and Ohio canal,	–	–	–	200,000 00	799,000 00	999,000 00
Navigation of Mississippi,	–	–	18,272 47	162,043 18	214,197 68	394,513 33
	14,201 90	875,825 59	1,612,634 66	2,808,333 96	5,061,893 31	10,372,889 42
General annual average,	$1,775 24	$109,478 19	$201,579 33	$702,083 49	$1,265,473 32	

A.

Extract from a speech of Mr. Hamilton, of South Carolina, delivered in the House of Representatives, February, 1827.

"But here an important question arises. Is it necessary to the harmonious action of the different branches of our Government, that the Executive should have a Government press, to be paid for by the people out of the public coffers, to sustain the measures of the administration, whether right or wrong? Disguise it as you will, this is pretty nearly the inquiry we have to settle. For, if a Secretary of State can, by the exercise of an irresponsible discretion, so apply the patronage of the

Government as to nourish in venal accord eighty-two presses in our country, to praise every thing the administration should do, and subject their proprietors to the punishment of the loss of this patronage if they dare to censure its measures, this forms distinctly a Government press, which is more alarming to the liberties of the people than the organization of the whole of General Brown's army of six thousand men, formed into a guard of the palace. Let me, moreover, say that a control of this kind over the press is more dangerous to its liberty than most of the dogmas of the law of libel expounded by the most subservient minion of power. The liberty of the press is liable to abuse by a corruption of its purity, when bad public men and bad public measures are praised. And when the Government becomes the paymaster for these services, the evil is infinitely augmented. For what are the services which the press, under such circumstances, is expected to render as a return for the partial kindness of the Government? Why, to cover all their approaches to arbitrary power; to defend each measure of misrule and corruption; to find excuses and apologies for every act of imbecility, although the interest and honor of the country may be jeoparded by ignorance, apathy, or neglect; but, above all, to subject those who do not think 'the existing powers' entitled to the confidence of the people, to the most unsparing calumny and abuse. If eighty-two presses can be made to speak, as it were, in one voice, that all that Government does is excellent, and all that those who are opposed to them say is false and factious, this constant, combined, and concerted language will soon have a tendency to make those who hear little else believe all this is true. Nor do the pernicious consequences of the venal praise of a distempered press stop here; those who govern, read, almost exclusively, these sickly and perverted organs of public opinion, and, therefore, want the wholesome chastisement and salutary bitter of a free press. It must, therefore, be obvious that there cannot well be a greater abuse of the press than when it is devoted to an unmerited praise of public men, and is an evil in its consequences far more injurious than the unmerited censure of good men; as truth will, in the end, do the latter justice, whilst the former, through corruption, has worked its mischief past remedy or atonement.

"If these be the legitimate consequences of a Government press, are they essential to the maintenance of the balance of the executive authority, either against the other branches of the Government or the people? Sir, they are not essential; if the press is free, the administration stands as good a chance with the people as their opponents; they have the same field, the same engines, and the same arbitrators. If their measures are just and wise, they will triumph; if the contrary, they will be, as they ought to be, defeated. To avoid this consequence, ought the Government to have a mercenary squadron to pervert that by which the measures of a free Government must stand or fall?"

When Mr. ROBERTSON gave way for a motion that the committee rise, as before stated—

Mr. CAMBRELENG rose to say that he and many others were anxious to be heard upon this question; but the debate upon general subjects had continued so long upon this bill, that not only was the public interest suffering greatly, but in a few days not a dollar would be left in the Treasury for the support and pay of the navy. He had determined to waive his right, which he wished to exercise, from personal considerations, to speak upon this bill; and he hoped it would be immediately passed; in which case, he would pledge himself to bring in a bill to make a million appropriation for the increase of the army, which would open all the subjects connected with the conduct of the administration. Such a bill would be reported by the Committee of Ways and Means.

Mr. PEYTON asked if the gentleman was authorized by his party to bring in such a bill for the express purpose of opening a debate upon the merits of the administration, or whether he acted from personal considerations.

Mr. CAMBRELENG said he acted as the organ of the Committee of Ways and Means, which comprised individuals of both parties; but if the gentleman from South Carolina belonged to the party which wished to stop appropriations, he did not think there was any member of that party on the committee.

Mr. STORER insisted on his motion.

Mr. CAMBRELENG said he was instructed by the Committee of Ways and Means to say that, to-morrow, when the gentleman from Virginia shall have concluded, if the question could not be taken, and the debate upon the bill stopped, he should ask the House to discharge the Committee of the Whole, with a view to expedite the public business.

Mr. STORER again insisted that his motion should be put; and having been put, the committee rose.

Mr. EVANS moved that the House adjourn.

Mr. HANNEGAN asked for the yeas and nays on this motion, and they were ordered.

Mr. J. Q. ADAMS hoped, he said, that the House would continue in session half an hour longer, in order to take up business which would excite no debate.

Mr. EVANS withdrew the motion to adjourn.

Mr. ADAMS proposed that the bills on the Speaker's table should be taken up. He said it frequently happened that a member was exhausted before the House was exhausted, and in this case it was customary for the House to adjourn. In consequence of this, the House was occupied four days in hearing one speech on a motion to strike out sixty thousand dollars from a bill.

The CHAIR said that it would require the suspension of the order to take up any bill after one o'clock, except the appropriation bills; but it could be done by consent.

Mr. WISE objected to taking up business at this late hour of the day, when there was hardly a quorum present.

Mr. STORER moved to suspend the rules for the purpose of taking up bills on the Speaker's table, which would produce no debate, and the motion was agreed to.

Mr. WISE moved an adjournment, and thereupon asked for the yeas and nays; which were ordered.

The motion was rejected: Yeas 40, nays 91.

Mr. WISE moved a call of the House; which motion was not agreed to.

Several bills were then read a third time and passed.

The House then adjourned.

WEDNESDAY, APRIL 6.

Mr. SUTHERLAND, from the Committee on Commerce, reported the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the third section of the act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year 1835," as provides that the whole number of custom-house officers in the United States on the 1st of January, 1834, shall not be increased until otherwise allowed by Congress, be, and the same is hereby, suspended until the further action of Congress.

Mr. HARPER opposed the resolution, on the ground of information which he had, that there were now in Philadelphia more custom-house officers than were needed. He thought the limitation of power to appoint was a proper one.

Mr. LAWRENCE said it might be that there were officers of the customs sufficient for the service in Philadelphia, but he knew that in New York and Boston there was great delay and much inconvenience occa-

sioned to the merchants by the deficiency of a proper number of custom-house officers. He said he had received many letters making serious complaints, and he thought the resolution ought to be passed immediately, and without debate. He gave also a statement of the increase in the commerce of Boston for the last six years, during which time no addition had been made to the number of officers. The number of entries had increased fifty per cent., and the revenue had more than doubled since 1830. This would show, he thought, to the satisfaction of the House, either that the officers were too numerous in 1830, or there should be more appointed now; and he thought the latter proposition the correct one.

Mr. CAMBRELENG confirmed Mr. LAWRENCE's remark in relation to New York; and stated that, owing to the extraordinary influx of business, and the deficiency of officers, the collector was obliged to assign one inspector to three ships.

Some other desultory debate took place; when

Mr. WHITTLESEY suggested that it might not be competent to the House to suspend the operation of a law by resolution, but that it should be done by a bill.

Mr. ADAMS supported this view.

Mr. SUTHERLAND then moved to amend the resolution by striking out the word "Resolved," and inserting the words "Be it enacted," &c. so as to make it a bill; and also to strike out the words "until the further action of Congress," and insert "until the end of this session of Congress."

Both these amendments were adopted, and the resolution was ordered to be engrossed for a third reading, and the bill was subsequently passed.

PURCHASE OF BOOKS.

Mr. BRIGGS moved to suspend the rules for the purpose of offering the following resolution:

Resolved, That the Clerk of the House be authorized and required to furnish the new members of the twenty-fourth Congress with the same books furnished to the members of the twenty-third Congress.

It being suggested that a similar resolution was on the Speaker's table, Mr. BRIGGS varied his motion so as to take up that resolution; which motion was agreed to.

Mr. JOHNSON, of Tennessee, objected to the passage of the resolution, and felt it his duty to make a statement to the House of the expenditures which would arise upon the adoption of the resolution. He had examined into the subject, and caused a statement to be made, showing the books that would be printed and purchased under the resolution, and he found it would cause a reprint of eighty-four volumes, which would cost the sum of $35,041 16; and under it the Clerk of the House would purchase fifty-four volumes, now in print, or preparing for the press, costing the sum of $63,938; making an aggregate expenditure of near one hundred thousand dollars; making over one thousand dollars in books to each of the new members of the present Congress.

Mr. J. read a catalogue of the books, and the cost, as estimated by one of the Clerks of the House, as follows:

INGERSOLL's resolution will cause a reprint of—

		Cost estimated.
7 vols.	Docs. of 2d session, 22d Cong.	$3,118 50
4 do.	Elliot's Debates	1,237 50
2 do.	Manufacturing Documents,	891 00
27 do.	Docs. and Jour. 1st Sess. 23d Cong.	12,475 10
19 do.	Diplomatic Correspondence	4,845 06
9 do.	Journal to 1815,	4,455 00
1 vol.	Land Laws	693 00
12 vols.	Docs. and Jour. 2d sess. 23d Cong.	5,346 00
4 do.	Journals to 1778	1,980 00
85		$35,041 16

Works in print.

1 vol.	Doc. His. of U. S.	Bank, at	4 50		
	each,				$445 50
9 do.	Register of Debates,	at 65	each,		7,425 00
1 do.	Livingston's Code,	at 5	"		495 00
1 do.	Com. Regulations,	at 5	"		495 00
1 do.	Peck's Trial,	at 5	"		495 00
1 do.	Cobb's Manual,	at 1	"		390 00
20 do.	Amer. State Papers,	at 227 40	"		22,512 60
20 do.	Doc. His. U. States,	at 320	"		31,680 00
54					$63,938 10

Mr. J. said many of the books which would necessarily be reprinted, if the resolution was adopted, were wholly useless, and would never be read. He referred to the volumes of the documents of the first session of the last Congress, containing the panic memorials and the names of the memorialists, and also those containing the names of the pensioners. He thought the thousand dollars could be as well, much better expended, for the benefit of new members in purchasing other books of a different character. Mr. J. regretted placing himself in a position in which he might have the appearance of acting unkindly to the new members of the present Congress. He felt it his duty to resist such an application of the publication heretofore as well as now; he had uniformly opposed all such propositions, from the time he had the honor of a seat upon this floor, and he expected to do so. If Congress should purchase and present books to the members of Congress, they should be returned to the public library upon the expiration of their respective terms, for the use of their successors. The resolution seemed plausible, in placing the new members upon the same footing with the members of the last Congress; it was apparent, however, that they could, with the same propriety, claim as many books as the members of the present Congress who had served fifteen or twenty years; and all our successors upon this floor might, with the same propriety, make the same claim. He felt it his duty to make these statements to the House, and he should ask the privilege of recording his vote in opposition.

Mr. INGERSOLL (who originally offered the resolution) said: I introduced this resolution, not so much from any impulses of my own, as in compliance with the wishes of others, who, like myself, are without the advantage of personal experience here. I do not now desire to urge it beyond a point which may be considered perfectly reasonable and just. The resolution, it will be perceived, merely adopts the precedent which has been set by those members of the present Congress who were also members of the last. All of them, I presume, have either supported the measure by their votes, or availed themselves of its fruits. The gentleman from Tennessee has, as he says, received the books, and he manifests the utility of them in the information which he habitually communicates to the House. Those who are entirely without the benefit derived from a participation in the past proceedings of Congress are obliged to recur to the volumes in question, in order that they may reach the information necessary to enable them to give a conscientious vote upon almost any subject that occurs. For myself, I acknowledge my obligations to an honorable friend for the use of the books which have been furnished to him under former resolutions of a similar character. The State Papers, which are especially objected to, are of peculiar value, and of constant use as a work of reference.

This resolution, however, is more important in a public than a private sense. Besides the immediate communication of intelligence to members of Congress, it

contemplates a broader diffusion of interesting knowledge throughout the nation, and throughout the world. Every element of the present elevation of the country in power and in happiness is to be found in the works which it is proposed to distribute.

You cannot better serve the cause of universal freedom and sound political wisdom, than by exhibiting, every where, the measures which this nation has resorted to and adopted in the course of its brief but comprehensive history. After the books have been used by the immediate representatives of the people, they will become the property of the people themselves. They will be cherished as the true, and, before long, the only evidence accessible to every citizen of the wisdom and the errors of those who have gone before us. They will teach lessons of equal practical utility, whether they reflect a record of proceedings which are wise enough to be imitated, or erroneous enough to be avoided.

The example of another Government is worthy of recollection. Your library has recently been enriched by a gift of the valuable and extensive publication of the almost by-gone monuments of British history and British law. That politic and liberal nation has endeavored to spread as widely as the empire of civilized man extends, the information contained in those costly volumes. Not only are the especial libraries of sister Governments in possession of them, but the existence of them is perpetuated by finding them a place in the halls of all the celebrated seminaries of learning throughout Christendom. It appears to me that we owe at least as much to our fathers and to ourselves.

At a moment when the national Treasury is filled to repletion, what better use can be made of a comparative modicum of its surplus wealth than that which the resolution contemplates? Not an interest can suffer. Every one may be benefited. The expense which is complained of is insignificant, whether it be compared with the good effects that are likely to be the consequence, or with the ordinary profusion which is manifested in the printing of public documents by the House.

With respect to one of the works called for, it is not easy to understand upon what principle a preference is to be given to our more experienced brethren over ourselves. Where publications have been made heretofore, and are now exhausted by distribution, there may be plausibility in the argument which objects to a renewed expense. But the "Documentary History of the United States" is yet in embryo. Not a member has been furnished with it. When it shall have issued from the press, and comes fresh and new for the information of the people, with the whole expense which it calls for yet to be incurred, I claim for all the representatives an equal right to partake of the benefits which it confers.

After some remarks from Messrs. REED, JUDSON, and SPEIGHT,

Mr. SPEIGHT called for the orders of the day, but yielded the floor to

Mr. WISE, who said he had somewhat modified the resolution which he had heretofore indicated in relation to the deposite banks, and he again asked leave of the House to offer that resolution. The resolution was read, as follows:

Whereas, since the custody of the public money has been under the entire control of the Treasury Department, the Secretary of the Treasury, by himself or his agents, has selected certain local State banks as places of deposite, without regulation by law; and whereas there is great doubt about the agency by which the said deposite banks are selected and regulated; and whereas said agency is alleged to be improper and corrupt, effected by some person or persons, not officers of the Government, or appointed or responsible as such, or known in any manner to the laws, and who are secretly paid large stipends or amounts of compensation for procuring the custody and the use of the public deposites; and whereas the said banks, for which the public deposites are thus procured, are in possession of the public money without charge of interest or other charge whatsoever for the use of the same, and the said person or persons, their agent or agents, are alleged to be political partisans, wielding the public deposites for electioneering purposes, dangerous to the purity of the Government and to the liberties of the people: therefore,

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposite for the public money, the contracts with the Treasury Department by which they are regulated; the manner in which and the persons by whom such contracts are made; into all correspondence whatsoever touching contracts for the public deposites; into all connexion or relation, official or unofficial, which exists or has existed between any person or persons and the Treasury Department, or between them and the deposite banks, or any other individuals or banks, touching the custody and the control and deposite of the public money, and into the amount and mode of compensation of all persons whomsoever in any manner whatever connected with the Treasury Department or the deposite banks, having any agency whatever in negotiating between said Department and said banks, or any banks or individuals, touching the public deposites; and that said committee have leave to report by bill or otherwise.

Mr. WISE rose, he said, to assure the House, on the part of himself and his friends, that there was no desire nor intention to discuss the subject at present. There were no data for discussion, and could be none, until the inquiry proposed had been made. He hoped that the House would give their unanimous assent to the motion.

Objections being made,

Mr. CAMBRELENG said he would merely suggest that the opposition to the introduction of this resolution was not made for the purpose of stifling inquiry, but from an apprehension that it would provoke a discussion. As that apprehension was now removed, he should cheerfully vote for the resolution.

Mr. WISE moved that the rules be suspended, in order to enable him to offer the resolution, and thereupon he asked the yeas and nays; which were ordered.

The question being taken, it was decided in the negative: Yeas 96, nays 87.

Two thirds being required to carry a motion to suspend the rules, the House again, by this vote, refused to allow Mr. WISE to make his motion.

Mr. WISE now rose, he said, to retract the notice which he had heretofore given of his intention to press this motion. He should not offer it again, being now convinced that the House was opposed to any inquiry for the purpose of resolving what was a reasonable doubt in relation to the connexion between the Government and the deposite banks.

Mr. RENCHER asked whether, when the graduation bill came up, it would be in order to move to substitute for it the bill commonly called Mr. Clay's land bill.

The CHAIR said the gentleman was aware that any amendments which were in order might be offered to any bill before the House.

DEPOSITE BANKS.

Mr. PEYTON rose, he said, with great reluctance, but from an imperious sense of duty, again to ask leave of the House to submit the following resolution; which was read:

Resolved, That the bill reported by the Committee of Ways and Means, entitled "A bill regulating the deposite of the money of the United States in certain local

banks," together with any amendments which may be offered to the same, be made the special order of the day, and that it have precedence over all other business of the House, from the hour of twelve o'clock on the second Monday in May next, and on each succeeding day, from the same hour, Fridays and Saturdays excepted, until the same shall be finally disposed of.

Mr. PATTON suggested a modification of the resolution. If the gentleman would modify it so as to provide that the subject should be taken up, if the appropriation bill had, by the time named, been disposed of, he would vote for it.

Mr. PEYTON said he thought the appropriation bills ought to be disposed of by the time fixed in the resolution; but, if they were not, he and the friends with whom he acted would consent to a postponement of the order until the appropriation bills were acted on. All he wanted was to render it certain that this subject would be considered at some period during the session.

Objections being made,

Mr. PEYTON moved the suspension of the rules, and thereupon asked the yeas and nays; which were ordered.

The question being taken, it was decided in the negative: Yeas 75, nays 108.

NAVAL SERVICE BILL.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, for the further consideration of the bill "making appropriations for the naval service of the United States for the year 1836."

The question being on the motion of Mr. BELL to strike out the appropriation of $67,000 for repairs and improvements of the navy yard at Portsmouth,

Mr. ROBERTSON resumed, and concluded his remarks, as given entire in preceding pages.

When Mr. R. had concluded,

Mr. VANDERPOEL rose and addressed the Chair as follows:

Mr. Chairman: Had the honorable gentleman from Virginia [Mr. ROBERTSON] closed his argument on yesterday, and thus justified the hope that we could this morning have taken the question, I would not have obtruded upon this committee any observations of my own in relation to the bill now before you; but, as now, the whole of this day will inevitably be devoted to its consideration, I may indulge the hope that the remarks which I intend to submit will not at all retard its passage.

The solicitude which my honorable colleague, the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] has so long discovered to secure the early passage of this bill, is not only a very natural but a very laudable solicitude. The public service is said to suffer for want of the ordinary annual appropriations, at least so far as the naval service is concerned. My honorable colleague has not consumed the time of this House with long and unnecessary speeches. He reported to us the annual appropriation bills at a stage of the session as early, if not earlier, than they were reported in preceding years. He has, from time to time, urged the consideration of them with an earnestness and courtesy that became the responsible station which he occupies; and if, sir, their final passage should be so long delayed as to prejudice the public interest, my honorable colleague will at least be able to enjoy the consolation of having faithfully discharged his duty.

The debate upon this bill has indeed taken an unexpectedly wide range. The Committee of Ways and Means, at an early stage of the session, reported this ordinary appropriation bill, providing for the pay of officers, provisions, ordnance and ordnance stores, and the improvement of navy yards. The honorable gentleman from Tennessee, [Mr. BELL,] very soon after the Committee of the Whole on the state of the Union had commenced its labors upon this bill, moved to reduce the amount proposed to be appropriated for the yard at Portsmouth, in New Hampshire, one half, and intimated his intention to move a proportional reduction as to all the other yards for which the bill proposes appropriations. Well, sir, upon this motion we had several days of desultory skirmishing, of talk confined to the subject immediately and fairly under consideration. The honorable mover of the amendment himself made some two or three very guarded speeches in favor of his own amendment, and we had good reason to hope that nearly all the little five and ten minutes' speeches were exhausted, and that soon, very soon, we should be permitted to take the question; when, lo! an honorable and eloquent gentleman from South Carolina, [Mr. THOMPSON,] with a bolder spirit than had yet distinguished any of the orators that had preceded him, in a speech of some two or three hours, launched forth into an unexpectedly extensive range of debate, and pressed topics into the service that might of themselves have served as fruitful themes for orators for the residue of the session.

The partiality of this Government in the distribution of its favors or its bounties; the system of absorption, without any irrigation in return, which had so nearly drained the poor persecuted South; the necessity of amending your constitution, so as to dispose of your surplus revenue among the States according to the ratio of their population and representation; these, and a great variety of kindred topics, were deemed neither irrelevant nor far-fetched by that honorable gentleman; and, from the course which the debate subsequently took, it seemed, indeed, that we were launched upon a wide ocean, without the ability to determine, with any degree of certainty, when we should be able to anchor or see land again. As matters then stood, we could hardly hope of getting to safe moorings again before the reign of the dog-star.

At this stage of our proceedings, the honorable gentleman from Tennessee [Mr. BELL] again succeeded in getting the floor. Having repented of his original intention to reduce the appropriations for all the navy yards one half, those South as well as North; and probably convinced, by the speech of the honorable gentleman from South Carolina, that a certain section of the country had very peculiar claims, he all at once withdrew his original motion, and proposed wholly to "expunge" the appropriation for the yard at Portsmouth; and, in support of his substituted motion, favored us with a speech, which was, indeed, a miserable illustration of the justice of those complaints which are constantly doled out here about trammelling gentlemen in debate. It was, in truth, the most striking exemplification of the freedom and latitude of debate tolerated here or in any other legislative body, that I have ever yet witnessed. It was a speech four days long—one day longer than the French revolution!

In some respects it was a most cheering and consoling example to many of us here, who, when we undertake to speak, are ofttimes troubled with that most reasonable, though inconvenient requisition: always to keep within hailing distance of the point under discussion. It was most encouraging to some in another particular. It taught ambitious young orators here that, if once laden with a speech, it matters but little what hook they hang it upon, and that any thing like affinity between a speech and the legitimate subject of a speech is not a matter of so much consequence here as most gentlemen are very naturally disposed to imagine when they first enter this hall. But, sir, it was replete with much encouragement and consolation to us in some other particulars. The illustrious source from which it emanated gives it au-

thority; and it has taught us that terseness and compactness, and that *lucidus ordo*, which all rhetoricians and logicians have (from the time of Quintilian to the present day) regarded as essential to a good discourse, are not indispensable requisites here; and I very strongly apprehend, sir, that the force of the precedent will be illustrated by the performance which is now being executed.

Sir, the course of remarks in which the honorable gentleman from Tennessee [Mr. BELL] saw fit to indulge sounded strangely in my ears, coming as it did from one who had been for years the open and avowed friend of our illustrious Chief Magistrate; and when the honorable gentleman descanted so eloquently upon the force and danger of party organization; when he indulged so flippantly, and with so much facility in the stale and hackneyed catch-words of the opposition of "the party," (words which danced so conspicuously through his labored speech;) and when he descanted so earnestly upon the dangerous application of executive power and executive influence, under the administration of our present Chief Magistrate, methought that he was only reiterating those threadbare doctrines and standing complaints which the opposition to every democratic administration have, under all names and all guises, promulgated, from the days of Mr. Jefferson to the present era; and when the honorable gentleman told us that the party supporting the present administration had forsaken its principles, but that he still adhered steadfastly to his—when he told us, in effect, that there were one hundred and forty supporters of the President and of the existing administration upon this floor, with many of whom he had formerly acted, who were going all wrong, who were propagating and sanctioning all sorts of political heresies and abominations, but that he remained orthodox, and fully invested with his pristine political purity, it occurred to me that the honorable gentleman had full as much confidence in his own infallibility, and full as little respect and deference for the opinions of that majority with which he had formerly acted, as once had a memorable and self-complacent juror, who, after, in the fulness of his own self-sufficiency, keeping out his associates for two days and two nights, and inflexibly determined not to adopt their conclusion, indignantly declared that they were eleven of the most obstinate and wrong-headed men he had ever seen or acted with in his life.

In what light has the President, and the party supporting the President, been exhibited here by the honorable gentleman from Tennessee? [Mr. BELL.] Sir, I took his very words down, and cannot, therefore, be mistaken as to the sentiments he uttered. He told us that considerations now exist which prevent the country from having the benefit of the President's popularity; that it is very difficult, if not impossible, for a majority of this House to act against the will of the President; consequently, the President must in law and in good sense be responsible for all the mischief we perpetrate; for the gentleman is lawyer enough to know, that he who does not prohibit and prevent mischief when he has it in his power to prohibit and prevent, is to be considered as ordering. He has further told us, that the President, with such a majority as he has here, can effectually decree whether there shall be war or no war. He had, in truth, been represented as almost omnipotent; as having, for all practical purposes, the power of peace and war in his hands; and that he is now devoting himself to the views and objects of a favorite successor. These are grave charges, and were no doubt well weighed by the honorable gentleman before they were made.

That that venerable old man, after enjoying all the honors that his country can bestow upon him, should now, in the evening of his days, when about to return to that retirement from which seven years ago the voice of a grateful people called him, forget the high duties and responsibilities enjoined upon him by his oath to his God, and by the constitution of his country, and prostitute his official power and patronage, not to the good of his country, but to the securing success to a favorite nominee, is, I humbly conceive, what a majority of the enlightened and patriotic people of this country are not yet prepared to believe.

But, sir, it would seem, from the general tenor of the honorable gentleman's remarks, that he does not wish to be considered as having entirely cut loose from the administration, but that he is what the lawyers would call a sort of qualified *sub-modo* Jackson man. I have his own definition. He tells us "that he is a supporter of the administration, as to all measures except those which have sprung from the effort to elect a favorite successor."

Here, sir, I was on the look out for a specification, for an enumeration of all those prominent measures of the administration that the honorable gentleman now dissents from, or those of which he is willing to be considered the supporter and champion; but it occurred to me that, instead of favoring us with any thing like a satisfactory exposition upon this point, he gave us a most striking specimen of *non-committalism*. Instead of telling us what acts and what measures of the present administration he supported, he lapsed off into a labored effort to show the striking similitude between the acts and principles of the party supporting the present administration, and the acts and principles of the party that supported the elder Adams in 1798. Indeed, he was willing to give the authors and supporters of alien and sedition laws more credit for integrity than he was disposed to allow to the party now in power. The former, he told us, were open and honest in the avowal of their principles, and boldly unfurled their flag to the world; while the latter, equally obnoxious in their principles and practices, did every thing (hypocritically, I suppose) "in the name of democracy." And closely as the party now in power approximate in its practices, its measures, and its principles, to the party ascendant in '98, yet the honorable gentleman avows himself a supporter of the administration thus sustained by this party, as to all measures "except those which have sprung from the effort to elect a favorite successor."

And pray, what are those measures which have originated in a design to elect a favorite successor? Is it uncompromising hostility to the United States Bank? I fancy not. Was the removal of the deposites one of them? I imagine not, sir; for I believe that that measure was honored with the honorable gentleman's vote, though I think his voice was never raised here in defence of the measure. During the memorable panic session, I had the pleasure of sitting next to the honorable gentleman from Tennessee, [Mr. BELL,] near the place which he now occupies; and, during that tremendous and trying conflict, day after day, week after week, and month after month, was the President denounced here as a tyrant and usurper, as trampling under foot the rights of the widow and the orphan; and where, then, was that voice whose querulous notes against the dominant party are now so constantly ringing through our ears? Where, then, was the eloquent and potential voice of that distinguished gentleman who then represented the Hermitage district? Sir, if my memory serves me correctly, it was, for all the purposes of vindication, mute as the grave, and much to the wonderment of many gentlemen. Let no one infer, from this course of remark, that I cherish any unkind feelings personally towards the honorable gentleman. He has always, both personally and officially, treated me with kindness, and I am not, therefore, personally unfriendly to him; but after he has so unsparingly arraigned the acts and the principles of that political party of which I am an hum-

ble member, he will not surely take umbrage should any gentleman deal out in return "measure for measure."

The burden of the honorable gentleman's complaint is, that the President has vast power and patronage; that this immense power and patronage are dangerous to the liberty of the people; and that he is now applying much of this power and patronage to the objects of a favorite successor.

Sir, these mournful ditties about the dangers and abuses of executive power and patronage, whether they come from the President's open enemies or his *sub-modo* friends, have ceased to shake the nerves of a majority of your enlightened people. "Our country is about to be ruined! our country is about to be ruined!" by executive power and patronage; and executive blunders and abuses have been the standing cry of all oppositions to the democracy of the country, from the inauguration of Mr. Jefferson to the present day. When you passed your embargo and non-intercourse laws, how loud was the vociferation, from every quarter of the land, "our country will be ruined!" When you declared war against Great Britain, to vindicate, if not to reassert, your independence as a nation, how loud, how astounding, was the cry, "our country will be ruined!" When you so lately strangled that colossal institution which threatened the destruction of popular liberty, and which, before it was out of its teens, was almost powerful enough to ride triumphantly over the Government of the people, how loud, how lugubrious, then, the panic note, "our country will be ruined!"

These prophets of wo have doled out their jeremiads over prospective ruin and desolation ever since I have had any knowledge of the political history of this country; and yet, sir, our country is not ruined. Your people are more happy, free, and prosperous, than any people that the world has ever seen; never were you more prosperous at home, or more respected abroad, than you have been, and now are, under the auspices of that administration which is said to have brought so many curses upon the land. Sir, this continual falsification of prophecies by events, this eternal cry of "mad dog, mad dog," is calculated to induce a spirit of indifference when the real hydrophobia animal makes his appearance. It seems, indeed, that this dread of executive power and executive patronage has become a disease, a monomania, which unnecessarily disturbs the slumbers of some gentlemen. It has been the standing theme of minorities ever since the foundation of your Government. It is natural that it should be so; for it is not only the propensity, but the privilege, of all minorities to fret and scold, just as natural as it is for the unlucky and aspiring *outs* to wage war against the more fortunate *ins*.

Sir, we have had from the honorable gentleman from Tennessee, [Mr. BELL,] a most appalling picture of the abuses and enormities of the party now in power. We have been told that it is difficult, if not impossible, for the majority in this House to resist the influence of the Executive; and then it most clearly results, as before stated, that the Executive is to be held responsible for all the abuses and corruptions so forcibly dwelt upon by the honorable gentleman. He has told us, with all the vehemence of impassioned eloquence, that the press has been corrupted; that your State Legislatures have been transformed and prostituted into the mere creatures of executive will; that new offices have been created, and salaries paid, without the authority of law; that the whole Treasury of the country has been subjected to the will and control of the President; that the money of the nation has been brought to bear upon elections; that the Senate has been expunged; and last, though not least, that the country has been most grossly and culpably deceived as to the great question of peace and war with France; that its commerce has been crippled; and that its fears have been most unnecessarily alarmed. From the sombre picture given us by the gentleman, a stranger entering yonder gallery would have inferred that Pandora's box had been opened upon this devoted country, and that corruption, in its most hideous and loathsome form, was stalking through the land, if not by the procurement, at least by the toleration, of Andrew Jackson.

I would here ask, and I hope it will not be deemed impertinent by any one, when did the honorable gentleman first make discovery of this mighty train of abuses, which he has portrayed to us? When did his vision first break upon this black catalogue of abomination, the recital of which occupied him four days? According to his account, they were too full grown, too gigantic, and too multifarious, to be the growth of a day, a week, or a year. It must have taken years to have brought them to the almost plethoric and bursting maturity in which he has exhibited them. His eagle eye, his well-known sagacity, must have discovered their first buddings—their incipient stages; and where, then, was the "lion heart," to impel him to sound most seasonably the tocsin of alarm? Sir, I admire the sentinel who sees quickly, and fires early: not him who waits till the enemy enters the heart of the citadel, and then acquits his conscience by pouring out his anathemas over the desolations which the foe has wrought, and the enormities he has perpetrated. The gentleman, no doubt, means what he says, when he tells us that he is, in some measure, the friend, of the administration; but after the exposé he has given us of the estimation in which he holds most of the acts and principles of the administration, he must permit me, in reference to such friends, to exclaim with *Laocoon*, "*Timeo Danaos.*" The gentleman's classical reminiscences will enable him to supply the residue of the line.

But a very small portion of the honorable gentleman's speech was devoted to the question raised by his motion, and which is the only question fairly under discussion. His genius was too erratic, too exuberant, to be confined to the little point now immediately under consideration. This point was but a small speck in the wide ocean of matter over which he deemed it profitable to roam. The majority on this floor was most severely lectured both for its sins of omission and commission. It was said that discussion has been stifled—that we fear discussion, and try to prevent it; and that awful bugbear, the "previous question," has received its full share of pelting in the course of this discussion. Gentlemen need not lay "the flattering unction to their souls" that we fear their speeches. We are perhaps not quite as strong believers in the magical influence of speeches as some other gentlemen; for we believe that the people determine the merits of their servants, not by their "speeches," but by their acts. We had a fine specimen of the potency of speeches two years ago, when it was so confidently foretold that your canals would soon be "a solitude, and your lakes a desert waste of waters." The evanescent influence of speeches was triumphantly shown by the promptness and facility with which a discriminating and indignant people averted the blight with which the never-to-be-forgotten panic-makers of that day attempted to blast all their prosperity.

But is it true that gentlemen here who belong to the minority have unreasonably and arbitrarily been prevented from making their speeches? Who have made most of the pamphlet book set speeches since the commencement of this session? Certainly not the majority. The minority have made and published more than three times as many voluminous set pamphlet speeches as the majority; and all candid gentlemen will bear me witness, that gentlemen of the minority have consumed their full share of the time and attention of this House, in the incidental debates that have sprung up,

since our session commenced. Gentlemen of the minority are already beginning to lecture the majority for not executing the business of the House, but take special care at the same time to inveigh most indignantly against the previous question. They tell us that little or nothing has as yet been accomplished, and that the majority will be held responsible. How can we pass bills, if gentlemen will eternally talk about them? and what the remedy for this retarding talking disease, but the previous question? I hope, sir, that the vocabulary of epithet will no longer be ransacked to find terms strong enough to characterize the "previous question," and that after a subject has been fairly debated, so that every gentleman must have made up his mind as to its merits, we shall witness no more scruples about the exercise of the most salutary power with which a legislative body was ever invested; and if gentlemen by this means lose the opportunity of making their speeches for the benefit of their constituents, the remedy is a full and an easy one. Let them write off their speeches and print them. We have high authority in the honorable gentleman from Massachusetts, now in my eye, [Mr. ADAMS,] for printing unspoken speeches, and I am not certain that it is not decidedly the best mode of delivering them to the nation and to the world; for I have long thought that speeches are made for any practical purpose but to produce conviction here.

But it is high time that I should take leave of the president-making portion of the speech of the honorable gentleman from Tennessee, and say something about the subject now before the committee. Preliminary, however, to the views I propose to submit, I will premise, that there is one circumstance connected with this discussion which is indeed a fair subject of congratulation. It is this, sir: that in all the speeches which have yet been made, there has been no demonstration of hostility to your navy; no seeming unwillingness to make liberal appropriations towards fostering and cherishing it. This is, sir, as it should be. Our position, our habits, our enterprise, our pursuits, and the experience we have already had as a nation, plead loudly, eloquently, and most irresistibly, the cause of the navy. We are already the second commercial nation on the globe; soon, very soon, we shall be the first. The history of civilized nations tells us, that to carry on an extensive and successful commerce for a long series of years, without an efficient navy to defend and protect it, is just as impossible as it is for the fruits of the earth to grow without the sun and rains of heaven to warm and nourish them. The pirate must be driven from the ocean. The refined European, the Turk and the Hindoo, the barbarian, and the native of the remotest islands of the Pacific, must be taught to respect your flag. There is no place on the habitable globe where may not be seen the evidences of American genius and enterprise; and wherever the American citizen is pushing his lawful adventure to bring new treasures into the country, there ought you to be able, if necessary, to cheer his onward course, by displaying the stars and stripes of his native land. Your navy should be put upon a footing strong enough to convince the world that it is not mere empty bravado when you proclaim the motto, "millions for defence; not a cent for tribute."

The honorable gentleman from Tennessee [Mr. BELL] seems to think that we have too many navy yards, to consist with the economy and efficiency of the service. The utility of having a number of navy yards, located along a coast like ours, must be obvious to every gentleman who will bestow upon the subject a little reflection. The honorable gentleman from Maine, chairman of the Naval Committee, [Mr. JARVIS,] has most ably and triumphantly demonstrated it, and has anticipated most of the considerations which I had intended to urge upon this point. We have a vast extent of coast, with numerous and large estuaries, and very much exposed to an enemy in time of war, whether he be powerful or comparatively insignificant. The object of your navy yards is to build and equip your ships, to enable you to keep on hand, at proper places, a suitable supply of materials for repairs and manufacture of vessels of war; and, if necessary, to furnish a shelter for the vessels belonging to our navy, and to afford them every possible facility to refit and enter again upon their cruises.

There are, it seems, two kinds of depots necessary: building and manufacturing yards, and those for repairs and equipping; and some of the yards we now have are exclusively devoted to one or the other purpose, and some to both; and the attention that I have been able to bestow upon the subject has convinced me that we could not now reduce the number of yards without prejudice to the public service. If we had but one or two yards, and were to get into a war with one of the great naval Powers of Europe, the enemy would at once invest those naval stations, and prevent vessels from coming in or going out. Suppose that in the event of a war with such great naval Power suddenly breaking out, we had but two naval depots, and eight or ten of our vessels were out upon a cruise of four, five, and six months, or a year. The first movement of the enemy would be to invest those stations. Then, how could your vessels enter to refit or repair? This could not be the case, if we had several naval stations scattered along the coast. It would not be possible for any of the great naval Powers to blockade all of them effectually. But, it is asked, why has not Great Britain increased her naval stations? The honorable gentleman from Maine [Mr. JARVIS] has shown you that Great Britain has increased the number of her navy yards; but if she had not, it would not militate against the necessity of our maintaining at least six or seven. The same reasons do not exist for the increase of the naval depots of Great Britain, that seem to indicate the necessity of our maintaining at least the number we now have. Our navy yards are, or should be, located in reference to the facilities that may exist for acquiring the particular material which is to be used at the particular station. They should be located in reference to proximity to timber, and other materials necessary to be used. Not so as to Great Britain. She gets her timber from the Canadas, from Norway, and from other quarters of the globe; and, from her insular position, one station is about as convenient as another, in regard to materials required at her naval depots. Nor need she increase her naval stations for fear of the exposure or blockade of a very limited number. She has naval force enough to protect them, and to always secure to her ships free ingress and egress. If England, then, had adopted the policy represented as hers by one honorable gentleman, different as is our position, and as are our means of defence, it furnishes no reason in favor of our following it.

The bill now under consideration, Mr. Chairman, proposes no new works, no new navy yards. The amount proposed to be appropriated is rather larger than usual; and so far as it exceeds the ordinary annual appropriation may be regarded, and has been regarded, as an extraordinary appropriation, in the course of this debate. Following, then, the example of honorable gentlemen who have preceded me in this discussion, I may as well here as on any other occasion say what I have to say in favor of the course which I intend to pursue upon propositions involving extraordinary appropriations for the permanent defence of our country. Whether the particular item of extraordinary appropriation be great or small is wholly immaterial; it may still afford a fit opportunity for the expression of those sentiments that may influence

us in favoring or opposing liberal appropriations for our country's defence.

While, sir, on the one hand, I consider an economical administration of the Government, as a general principle, an object that no representative should lose sight of, yet it has been my habit to think that, in the execution of the high and important trusts confided to us here, our love of economy should not be so all-absorbing as to produce a forgetfulness of, or inattention to, some of the high duties that are enjoined upon us by the constitution. It has also been my inclination to believe, while here, that the protection of our immense and rapidly extending commerce, and the securing means of defence to our common country, were objects that came not only within the range of our powers, but of our duties; and that the unreasonable neglect of these great objects, for the purpose of saving the public treasure, would be as preposterous as would be that economy in the husbandman which would induce him to expose his crops to trespasses and destruction, rather than incur the expense necessary to guard and fence his fields; yes, sir, that the folly and delinquency would be more palpable in proportion to the greater interest jeoparded in the one case than in the other. Is it not a gross misnomer, sir, to call that true economy which loses sight of national defence and security? which would take no caution from the infinite causes and the awful ravages of war which the history of nations discloses? which would permit your cities to be sacked, your seaboard to be desolated, and your great commercial interests to be exposed to constant depredations, rather than afford them that protection which your bloated Treasury now enables you to do? Gentlemen are welcome to all the credit and all the honor that such an economy can secure to them. I trust that a majority of this House will not enter the list of competition for the glory of such an equivocal virtue.

It is the part of wisdom to profit from recent experience. Who, two years ago, could have imagined that the first Monday of December, 1835, would have found us so near a rupture with France as we actually were at the commencement of the present session of Congress? We should remember, that as our commerce extends will the causes of collision with other nations increase; and that man must indeed have read the history of nations to very little purpose, who has not learned that a very extended commerce, without proportional means to protect it, will eventually incur embarrassments and obstructions, against which nought but an efficient naval force is a sure preventive.

The question must at this session of Congress be boldly met and determined, whether your system of fortifications is to be extended and your navy is to be reasonably increased, or whether you will resort to the demoralizing and worse than Utopian scheme of dividing your surplus revenue among the States; thus consolidating the States by making this great federal head the almoner, the central source of revenue to its constituent members. While deliberating upon this great subject, should we not invoke the spirit of union, of concord, and of patriotism?

The Secretary of your Treasury, in his annual report, tells you that after satisfying all claims upon your Treasury, founded upon past and ordinary appropriations, there was at the commencement of the present session of Congress a pretty large surplus in your Treasury, which would not be required for the ordinary purposes of the Government, and which might be applied to other purposes not included in the estimates, and liberally aid in promoting any constitutional object which Congress may deem most expedient. The exact amount of surplus has been a subject of speculation and dispute with many gentlemen. It now satisfactorily appears, from information furnished by the Secretrry of the Treasury to a member of the other branch of this Legislature, that, on the 1st day of January last, the actual surplus was about sixteen millions of dollars. This is, indeed, a fair subject of exultation to many of us whose recollections can extend back only two short years. Then you were told by the panic-makers of that day that your country was ruined, that a general mildewed national prosperity and an empty Treasury would be the certain fruit of the great measure upon which such oceans of curses were heaped. It was even said that your Treasury could not be found. Only two short years have elapsed, and where is there aught now to justify these gloomy forebodings? Where now are these prophets of terror and distress? Why, sir, we find them racking thair invention for the best means of easing your bloated Treasury of its contents. Should these false and unfortunate prophets wonder at the evidences, every where exhibited, that the confidence of the people in them is on the wane—nay, that it is gone forever!

What, sir, is the best, the most judicious, mode of disposing of this surplus revenue? 1st. Shall we immediately reduce your tariff of duties upon protected articles, and retain this surplus in order to meet any deficit which such immediate reduction might hereafter occasion? Or, 2d, shall we recommend an amendment of your constitution, so as to authorize the distribution of this surplus among the States? Or, 3d, shall we apply this fund to the purposes of securing permanent defences for your country, to the erection and armament of your fortifications, and to the increase of your navy?

1. To the first proposition, that of reducing your revenue and securing this fund for any contingent deficit to result from such reduction, an objection will readily occur to every reflecting mind. It would violate the compact involved in your compromise act of 1833. The instability of your legislation has already become too proverbial; calculations made under it, or in reference to it, have already too often been frustrated by the fickle spirit of change, sometimes misnamed "improvement." The act of 1833 was made in a spirit of compromise between two great and important interests which agitated this country to its centre; and I wou'd deprecate, as fatal to that quietude which that healing act produced, a spirit here that would prematurely molest any of its vital provisions. Let Southern gentlemen beware how they listen or yield to any suggestions to disturb any of the radical provisions of this act. I am not, I never have been, the advocate of ultra, of most extravagant tariffs. The district which I have the honor to represent is second in manufacturing interest to scarcely any in the State which gave me birth. I know the feelings, the aspirations, of many of the manufacturers of the North. Like every other great interest, it embraces both reasonable and unreasonable men. There are those, and only a few, I trust, whom you can hardly satisfy with any measure of protection short of a total exclusion of the manufactures of the old world; who, do for them what you please, would still assail your ears with the horse-leech cry of "give, give us more protection." At present, sir, there is an abiding feeling among a large proportion, if not a majority, of the Northern people, that there was a time when the advocates of inordinate protecting duties pushed their claims to an unreasonable extent. Their sentiment is, that the North should not disturb the compromise bill; and if the South should violate or disturb any of the terms of this adjustment, they would do it at the risk of losing much of that repugnance to exorbitant tariffs which is now a growing sentiment at the North. Gentlemen will therefore seriously pause and look to consequences, before they attempt to interfere with the present tariff of duties on protected articles, and thus disturb the settlement of those great interests which was wrought by the famous compromise act of 1833. Cut this subject loose, and set this whole matter

adrift again, and there is no telling, sir, which section of the country would be the gainer, and which the loser. Every great interest of our country is now prosperous; and to attempt to elevate the one above the other would be unwise, unjust, and faithless, in the extreme. The voice of wisdom proclaims to us upon this subject, "leave well enough alone."

2. Your tariff is not to be disturbed. Are you prepared, in the next place, to amend your constitution in order to enable you to distribute your surplus revenue among the States of this Union?

Independently of the objections to this scheme that will readily occur to every intelligent mind, and at which I will merely glance presently, there are considerations which render this unprecedented and now unconstitutional remedy unnecessary. Do gentlemen recollect that the head of your fiscal Department tells you that, under the operation of your compromise bill, you will not hereafter realize much, if any, surplus revenue, especially if you reduce or wholly abolish the duties upon some articles of foreign production, which you should do, because you can do it without at all violating the spirit of the compromise of 1833? The abolition of duties on wines and silks from beyond the Cape of Good Hope would alone work a reduction of over six hundred thousand dollars; other articles might be selected, so as to reduce the revenue flowing from your customs more than a million of dollars, without at all violating that principle of protection, till the year 1842, which was recognised by the act to which I have so often alluded; and if you were to make reasonable and liberal appropriations for objects of public defence, and make such a modification of your tariff of duties as you could do, without prejudicing articles that require protection, and which were intended to be protected by the act of 1833, it is more than probable that your surplus revenue would not hereafter accumulate to such an extent as to justify the extreme remedy of amending your constitution, contended for by some gentlemen here. In corroboration of this view, I would remind the committee that we have been told, by authority upon which we are bound to place great reliance, that after 1842, when the last and most formidable reduction is to be made under the act of 1833, the diminution of your customs will be between five and six millions of dollars in that single year; and then the revenue from customs, as we are told, will be nine instead of seventeen millions of dollars. In this view of the future, sir, I am fortified by the fact, that we can hardly expect that the importation of dutiable goods in 1836 will be equal to the importations of 1835. The importations during the last year were unusually large, in consequence of the apprehension of a rupture with France. So also in regard to your public lands. It cannot reasonably be expected that your revenue from them will, in the present year, be equal to what it was in the last. Immense quantities of the public lands have lately gone into the hands of speculators, who have purchased very large tracts. These will be in market, ready to compete with the Government in supplying the wants of the actual settler. It should be recollected, besides, that the sale of the Chickasaw lands has been postponed to the present year, and the proceeds of them must be invested for the benefit of the Indians. In this view of the certain past, and the probable future, is it not unwise now to adopt the desperate expedient of amending your constitution, so as to authorize the distribution of your surplus treasure for six years to come?

Sir, the disease ought indeed to be desperate, before you adopt this new, this hazardous remedy. Arguments almost irresistible will occur to every reflecting mind against the untried scheme of making this great central Government the tax-gatherer from, and the revenue-dispenser to, the different members of this confederacy. The plan of taxing the people with one hand, and paying it back with the other, has at least the charm of novelty. And when you see deducted, first the expense of collecting it, and then the expense of paying it back into the hands of your citizens, it will be apt to occur to almost every body, that it would have been much better to have left it in the pockets of the people. But this view of the subject does not exhibit the strongest argument against this scheme. What, sir, would be the consequence, if you were to distribute for any number of years a surplus among the States, adequate to the support of the State Governments? The States would at once repeal all laws imposing direct taxes upon their people; and then it might be found, in many of the States, quite difficult to make them consent to taxation again.

We all know, sir, that indirect taxation is the most quiet and insidious mode of picking the pockets of the people. They know, because they see as well as feel, the terrors of the direct tax-gatherer; while the horrors of your custom-house officers are neither seen nor comparatively felt by them. This resource for the support of your State Governments, or for works of internal improvement, under the direction of your States, could not fail to weaken the attachment of your people to your State Governments, and tend, most powerfully, to what all lovers of their country would deprecate, consolidation. Pour upon them the largesses contemplated by this new scheme of being liberal to them with their own money, and they would be constantly throwing back "many a longing, lingering, affectionate look," to that great central, federal benefactor, which had so long lavished upon them treasures of their own contribution. This ill-founded attachment of the people to the General, at the expense of the requisite affection for their State Governments, is surely a result which all patriots would deplore. I grant, sir, that this scheme of dividing the surplus revenue among the States is not a novel one. It was proposed in the other branch of the Legislature, in 1829, and found very little favor then. The honorable gentleman from Virginia [Mr. ROBERTSON] has read an extract from President Jackson's message in 1829, to show that his opinions have changed upon this subject since that period. This circumstance, were it so, would not affect my course; but if the President has changed his views upon this subject, other gentlemen, with whom it is the pride of the gentleman from Virginia to act, have also changed theirs. It was in the South where the plan, when first started, found its most decided and uncompromising enemies; and it is not a little surprising that it should now be exhumated by those who then killed and buried it.

3. You will not, you should not, reduce your tariff of duties, so as to violate the principles of your compromise act. You will not yet adopt the extreme remedy of dividing your surplus revenue among the States. What, then, will you do? What have you been admonished to do by the recent signs of the times? I answer, extend your system of fortifications and increase your navy; and for these great and patriotic objects you will require the whole of your surplus revenue, as well that now on hand as that which will accrue between this period and 1842.

But it has been contended, in the course of this debate, that, in the distribution of the bounties of this Government, the South has been most unjustly and cruelly neglected. The investigation which I have been able to bestow upon this point has satisfied me that gentlemen who have urged this position have (unintentionally, no doubt) taken too partial a view of the matter, and have run into very great errors. But, before I undertake to show this, I will observe that equality of disbursement throughout the country, when executing the duty of putting the country in a state of defence, is

wholly impracticable, without totally losing sight of the inquiry, what is expedient, and what is necessary.

The constitution imposes it as an incumbent duty on Congress, to provide for the "common defence." Suppose nature has fortified one section of your seaboard with a bold and inaccessible shore, and left the other easy of access; or suppose she has effectually guarded one section against the approach of an enemy, with bars, and shoals, and sand banks; must all sections, thus differently circumstanced, share in the bounty of the Government, for the purposes of public defence? If this be so, then indeed have we very strange duties to perform under this constitution of ours; then are we under obligation to expend as much for defending our weak as our strong points. The whole body is to be taken care of and defended. One member is diseased and sickly; it requires your special care, pains, and expense, to restore it to health and vigor. Now, sir, according to the argument which I am combating, in order to do justice to the whole body, you must bestow equal expense upon every other member. This is a species of logic that will hardly be deemed sound by any one. If put into practical operation, it would conduce to a system of log-rolling that would disgrace if not ruin the country.

But is it true, sir, that this Government has been so partial in the dispensation of its care and protection, and in the distribution of its bounties, for the purposes of national defence? The discussion hitherto has embraced all species of expenditures that come under the head of "national defence"--fortifications, navy yards, arsenals, and every other object of expenditure. I will, in imitation of the example which has been set me, say a few words about our expenditures for fortifications. This great branch of expenditure certainly exhibits any thing but the fact that the South has been overlooked or neglected.

In 1821 the House of Representatives, by resolution, called upon the Secretary of War for a general plan of defence and a designation of forts. From this resulted the offer of a plan, in 1821, of fortification for the whole maritime coast, from Georgia to Boston. It may be found in the very able report of the board of engineers, at the head of which was General Bernard, among the executive documents of 1821. It embraced between eighty and ninety forts upon that part of the coast extending from Savannah to Boston. And here it is not amiss to inquire when and under whose administration of the War Department it was that this liberal scheme originated. It was at a time of profound peace, when, instead of a plethoric Treasury and millions of surplus, we owed a national debt of many millions of dollars. It was under the auspices, too, of a distinguished gentleman, then at the head of the War Department, [Mr. CALHOUN,] who would now, it seems, rather than complete the system of defence then approved if not projected by him, divide your surplus revenue among the States. It may be well, too, to bring to the recollection of the committee the patriotic dotrines maintained by the President of the United States in those days, when we had neither the same means nor inducements to make liberal expenditures for the purposes of public defence that the present crisis exhibits. President Monroe concluded his annual message of December, 1822, with the following just and patriotic sentiments:

"Unprovoked injuries are often inflicted, and even the peculiar felicity of our situation might, with some, be a cause for excitement and aggression. The history of the late wars in Europe furnishes a complete demonstration that no system of conduct, however correct in principle, can protect neutral Powers from injury from any party; that a defenceless position and a distinguished love of peace are the surest invitations to war, and that there is no way to avoid it, other than being prepared and willing, for just cause, to meet it. If there be a people on earth whose most especial duty it is to be at all times prepared to defend the rights with which they are blessed, and to surpass all others in sustaining the necessary burdens, and in submitting to sacrifices to make such preparations, it is undoubtedly the people of these States. The United States owe to the world a great example, and, by means thereof, to the cause of liberty and humanity a generous support. They have so far succeeded to the satisfaction of the virtuous and enlightened of every country. There is no reason to doubt that their whole movement will be regulated by a sacred regard to principle, all our institutions being founded on that basis. The ability to support our own cause, under any trial to which it may be exposed, is the great point on which the public solicitude rests. It has been often charged against free Governments, that they have neither the foresight nor the virtue to provide at the proper season for great emergencies; that their course is improvident and expensive; that war will always find them unprepared; and, whatever may be its calamities, that its terrible warnings will be disregarded and forgotten as soon as peace returns. I have full confidence that this charge, so far as relates to the United States, will be shown to be utterly destitute of truth."

If this was the language of truth and wisdom when it was uttered, when we were encumbered with a heavy national debt, when we had no very recent prospect of a conflict with any other nation, how much more authoritative should it now be, when we have millions of surplus treasure on hand, and when we have so lately been threatened with a war with one of the most powerful nations of Europe? How many forts have been finished since our last war with Great Britain? The principal engineer has been kind enough to furnish me with a list, from which it appears that eleven forts have been completed, and that thirteen are now in a course of construction:

The cost of finishing which, according to the estimate which has been furnished to me, will be -	$3,535,815
The fortifications that have thus been finished have cost - - - - -	4,072,934
Expenses already incurred for those under construction, - - - - -	6,305,779
Total expended for fortifications since the year 1816, - - - - -	10,378,713

Other gentlemen have furnished us with statements that are fallacious. They include arsenals and ordnance, and thus probably swell the amount to some twelve or thirteen millions of dollars; and when I come to tell, sir, where these forts are located, and what amount has been expended for each, I apprehend that no gentleman will deny that, in relation to fortifications at least, this Government has been extremely liberal to the South; that the South ought to be the last section of the country to utter complaints.

The honorable gentleman from Tennessee [Mr. BELL] told us that if we went as extensively into a system of fortifications as now seemed to be contemplated by the friends of the administration, you would require a standing army of twenty or thirty thousand men; that this force would be necessary to garrison all the forts. The head of the engineer department has also furnished me with the number of men necessary to garrison, as well the forts that have been completed as those which are in a course of construction. According to this statement, there will be necessary to garrison the eleven forts finished, in time of peace, 550 men; in war, 4,630 men. For the thirteen forts now under way, there will be necessary, in time of peace, 1,800 men, and in war 15,765 men. I have the authority of the able board of engineers, who made the report of 1821, to say that your garrisons might consist of the same number of regular

troops in time of war as in time of peace, and that the remainder might be furnished by the militia, held in readiness to throw themselves into the forts on the first appearance of an enemy, so that a large standing army in time of peace, to garrison your forts, is not necessary. No one can read the able report of General Bernard and others, in 1821, without being struck with the immense economy and saving, both of blood and treasure, that would result from numerous fortifications along your coast in time of war. In the event of a war with one of the great maritime Powers of Europe, it seems that, without forts, it would be necessary, in order to defend New Orleans, Norfolk, Baltimore, Philadelphia, New York, and Narraganset bay, (only six places,) to maintain 67,000 men encamped and under arms, and 53,000 ready to march and within call. According to the estimate made, these 67,000 would cost, in a campaign of six months, sixteen millions seven hundred and fifty thousand dollars—more than enough to construct the fortifications necessary for the above places, since the amount necessary to construct works at the above places was, according to the report of 1821, only a little over eleven millions of dollars. "By these means," says the report above mentioned, "2,720 regulars, and 21,000 militia, either in the forts or in small corps, upon advantageous positions, would suffice after the erection of these works; and we should have only 23,720 men to pay and support, instead of 67,000. The difference ($11,092,000) being about equal to the estimated expense of the forts, it follows that the cost of their erection will be compensated by the saving they make in a single campaign of six months." Do not such facts and such considerations plead eloquently in favor of the plan of liberally extending our system of fortifications?

A word more, sir, about this alleged injustice to the South. In order to determine whether there is any foundation for the charge in regard to fortifications, it is proper to inquire where your forts have been located; I mean those which have been constructed according to the tables to which I have referred. From these tables, furnished by the chief engineer, it appears that, of the eleven forts finished, two are in the harbor of New York, and the other nine are in the Southern States; that, for fortifications that have been finished, there has been expended for those located in the Southern States the formidable sum of $3,275,393; and for the two in New York harbor, and being the only two in the Northern States in the list indicating those finished, the sum of only $797,541. Of the thirteen forts now under construction, seven are in the Southern and six in the Northern States. Upon those located in the Southern States there has already been expended the sum of $4,804,374; upon those in the Northern States, $1,451,405.

I have not, sir, instituted these comparisons from any disposition to find fault with what has been done. No, sir; if the Southern seaboard had required fortifications, as it doubtless did, it is right that your forts were located there. But is it not surprising that the honorable gentleman from South Carolina, [Mr. THOMPSON,] in the ingenious and eloquent speech with which he favored us, should have overlooked this marked liberality of this Government, in the expenditure of its treasure, to the Southern section of the Union? The remarks of the honorable gentleman were, no doubt, the offspring of pure and patriotic intention, and of affection for that Union which all should regard as the certain means of national and individual prosperity; but what effect do arguments like those addressed to us by the honorable gentleman from South Carolina naturally produce? Sir, they can only serve to render the Southern people more discontented with their political condition, and to impress them with the belief that this national Government is to them a curse rather than a blessing.

The South, the "magnanimous" South, "the forbearing," the prosperous South, which has been represented to us as the "great well-spring" from which almost all our national treasure flows, the "neglected" South, has been the subject of most unmeasured eulogy by the honorable gentleman from South Carolina, [Mr. THOMPSON.] I inferred, from the gentleman's details of expenditure at the South, that the "Old Dominion" was not intended to be embraced by his designation of "the South." I suppose that, since the passage of her expunging resolutions, her geographical position has been changed, and that no relationship is now acknowledged by the sovereign State of South Carolina. Sir, I would not attempt to abate or detract from any of the honor and glory that legitimately belong to the South. She is proud, chivalrous, and animated by a lofty spirit of independence. She has produced her full quota of good and great men, to bless and adorn the nation; but let not gentlemen, in justice to their own understandings, imagine that all the patriotism, all the chivalry, all the wealth, all the enterprise, and all the means of producing national revenue, are monopolized by any particular section of this country. If the North, sir, is not loud here in the trumpeting of her own fame, or the annunciation of her wealth, her resources, and her improvements, let not gentlemen suppose that she is therefore less the fair subject of praise. If her sons on this floor have been taught that there is a State egotism as well as an individual egotism, and that the one is about as obnoxious to the lovers of a correct taste as the other, gentlemen may, perhaps, in some measure, be able to account for the infrequency with which the praises of the North are here echoed. If we too have our "well-springs," we are content to enjoy them, without parading them to the world. If, sir, we were the first to embark in and accomplish works of enterprise which do honor, not only to the nation, but to the age in which we live, we consider it no part of our duty to sing our own hosannas here. If, in every part of New York and New England, we could boast a system of common schools, of elementary instruction, which imparts education to the poorest and the humblest, and fits them for free government; if there we could behold every where the evidences of prosperity, in the excellence of roads, the neatness of dwellings, the productiveness of fields, the taste and cleanliness of villages, the rapid growth and astonishing number of cities, and the indications of religion and refinement in the thousands of altars dedicated to God, we would feel a secret, an innate satisfaction in the contemplation and fruition of these blessings, but would deem it no part of our duty to make any ostentatious exhibition of them here. Have we cause for such satisfaction? Let the impartial who have visited us answer.

Gentlemen who urge the objection to appropriations, that your public treasure is not equally disbursed through the country, do not correctly estimate the feelings that unite, or should unite, the patriotic citizens of this confederacy. Money expended for the defence of Kentucky or Missouri is, in a national point of view, money expended for the benefit of the freemen whom I have the honor to represent. Let a foreign foe invade the West or Southwest, and it is enough for my constituents that a portion of the republic is invaded; as against the foreign foe, we are, we should be, one united, indivisible whole. Let the enemy strike a blow upon the remotest extremity of this widely extended country, and it is instantly felt at the heart and at the other extremity. So, when victory perches upon the American standard, whether on the banks of the Niagara or the plains of New Orleans, every true American citizen, no matter where his lines may be cast, shares in the joy and the glory of the achievement. 'Tis our country's arms that triumph, and we rejoice. 'Tis our country's foe that is victori-

ous, and we mourn. Expend your money to defend any one vulnerable point of your country, and, speaking as a patriot, you expend it for the benefit of the whole country. Partial appropriations for the defence of the country, because it so happens that necessity compels us to spend more in one State than in another? Jealousy, for such cause, is unworthy of the high-minded men whom we represent.

A few years ago the savage Black Hawk made most sanguinary incursions upon the borders of one or more of your Western States; a national force was summoned to the scene of action to subdue him. It cost the nation perhaps two millions of dollars to put him down; and think you, sir, that any gentleman from this side of the mountains would have dared to have urged to this national disbursement the contracted objection that the money was spent exclusively for the benefit of your Western borderers, and that they therefore ought to have paid the whole or the greater proportion of the expense of this war? That man very much underrates the patriotism of the Atlantic States, who imagines that, within their borders, there could ever have been found a single man with a soul contracted enough to urge such an objection. An Indian war has broken out in Florida. The national purse is opened, and the national force is ordered to put it down. It will cost the nation more than two millions of dollars. Is there any gentleman here who would dare to say that it is unjust to tax the whole nation with the expense of this local, this neighborhood war? Yet my constituents are not immediately affected by it. The constituents of the gentleman from Kentucky, [Mr. HARDIN,] who opposes almost all extraordinary appropriations, are not immediately affected by it. But sir, they would not come up to our standard of Kentucky chivalry, if, for this reason, they would not freely contribute their full share of blood and treasure towards terminating this local though desolating war. We have, in days gone by, had our Seminole wars and our Creek wars. The nation has, as it should have done, prosecuted them to a successful termination, though not one twentieth part of the nation was immediately affected by them; yet it was enough for nineteen twentieths of this Union that their fellow-countrymen, their wives and children, were exposed to, or suffered, all the horrors of savage warfare. They never murmured, nor will they, so long as they deserve the name and retain the character of American citizens murmur, because they are required to contribute to such purposes.

I speak in no unkind or taunting spirit, when I say that constant and most liberal draughts have been made upon your Treasury for the removal of Indians, and extinguishing Indian titles. A treaty has just been entered into with the Cherokees, which is now before the Senate for its ratification, by which you stipulate to pay them $5,600,000. Were we to look at the sums of money thus expended through a contracted medium, we might say that these Indians, thus bought out and thus removed at this enormous expense, did not molest or incommode the citizens of the Middle or Northern States, and that they ought not to be thus constantly taxed for their removal; but if I know the people of the North, their representatives here would gain but little favor with their constituents, if they should take such selfish and anti-national ground. Let them urge such objections, and their people "would shake them off like dewdrops from the lion's mane." When Western gentlemen tell us that the West is not benefited by expenditures for expenses upon your seaboard, they assume an entirely erroneous position. Why enlarge your navy and fortify your commercial cities, but to defend the commerce of the country? a commerce in which the farmer or merchant of the remotest corner of Missouri may be as much interested as those who reside in the immediate vicinity of your commercial cities. In a large commercial country, seaboard fortifications and an adequate navy should always coexist. The experience of the last fifty years amply demonstrates this. We have also had experience enough to convince us that agriculture and commerce must, for years to come, be the great means of wealth to this country. The productions of our rich and extensive soil cannot be locked up within our borders. They must find vent abroad; and if, to insure them a safe transit to their destination, fortifications and ships are necessary, expenditures for such objects are as beneficial to the hardy yeomanry of Illinois and Indiana as to the inhabitants of your seaboard; nay, more, in proportion to the greater agricultural surplus which they raise for foreign consumption. The Southern States own but little of the tonnage of the country; but, in the event of a war, would they not be most vitally interested in the commerce of the nation, and in a navy adequate to its support? Would not their great staples, which look to foreign markets, be most imminently exposed? This matter was well understood here a year ago, by Western and Southern gentlemen, when we were under the apprehension of a French war. I well recollect two speeches, the one made by an honorable gentleman from Kentucky, [Mr. HARDIN,] and the other by a distinguished gentleman from Virginia, [Mr. ARCHER,] in which the losses that their respective constituents would sustain, in consequence of a war, were portrayed in most appalling colors. It was not then believed or supposed by any one, that the remote position of Kentucky from the seaboard would exempt her from the pecuniary losses always inseparable from war.

You are destined soon, very soon, to be the greatest commercial nation on the globe. You are already the second, taking your commercial shipping interest as your standard. You are only the seventh naval Power; you ought to be at least the third. Our country is constantly developing new resources; and if its future advances in wealth and greatness shall justify the hopes of its friends and the fears of its enemies, the day is not far distant when, in commerce and in wealth, we will be first among the nations; and then, sir, it will not be enough to have those mighty possessions. We must have at hand the ability, the ready means, to protect and defend them.

We should always bear in mind, sir, that the glorious example of our success in free government is not looked at with overmuch complacency by crowned heads and potentates. Sooner or later its influence will be exhibited by a mighty shaking among the nations of Europe. They will be able to trace the convulsions which rack them to their true source; and wo to us then, if we shall be unprepared for the trials and conflicts which may then await us. And if then, sir, they shall attempt to save their trembling thrones by a united giant struggle to extinguish this bright western orb of freedom, which is shooting its vivid rays athwart the dark valleys of Europe, illustrating to its benighted subjects the charms of free government; and if, at such a crisis, they shall be encouraged by the brilliant temptation of a commerce dotting every ocean, without the means of defending it either at home or on the deep, then will we indeed discover how worse than miserable was that parsimony which, in the days of our abundance and prosperity, had grudged a few millions for the purposes of national defence!

While upon this subject, I may, and I hope without giving offence to many gentlemen here, who are honestly impressed with the idea that the South and West have not equally participated in the public bounties, bring a fact or two to their knowledge, of which all, perhaps, are not apprized. By looking back into the documentary history of the country for only two years, you will find

that, in 1824, your Secretary of the Treasury made a very able and voluminous report on the present system of keeping the public money. To this report was appended a table showing where the public moneys, appropriated for the year 1834, were expended; and from this it appears that the whole expenditures of appropriations for 1834 was $21,293,200; that the whole collections of 1834 were $20,624,717; that the expenditure less than collections, in the Eastern States, was $28,908; that the expenditure more than collection, in the Southern and Southwestern States, was $957,218; that the expenditure more than collection, in the Western States, was $867,470; making an excess of expenditure in the Southern and Western States of $1,824,688.

It also appears, from this same table, that about one third of all your naval expenditures were made at Norfolk in that year. This, sir, does not look much like draining the North and East at the expense of the South and West.

Again, sir: for the benefit of which section of your country more particularly has your little army hitherto been maintained? What sections of your country, since the peace of 1815, have most required its presence? It has been most needed at your Western and Southwestern posts, and in the vicinity of your Indian tribes. Since the last war, sir, an epauletted gentleman, in the service of the United States, is a very rare object in my district.

It has been said, too, that the West and Southwest are constantly filling your Treasury with moneys paid for your public lands, and that this Government is constantly draining the West of its available means in the avails of your public lands. Sir, illiberality to the purchasers of, and the settlers upon, your public lands, is certainly the last thing with which this Government is justly chargeable. No nation on earth was ever more liberal than we have been in the disposition of our public domain. Last summer, when in his Britannic Majesty's dominions, I heard our liberal policy in relation to our public lands contrasted with that which obtained in the Canadas. I heard it stated that our very liberal policy had a tendency to drive all the emigrants who passed up the St. Lawrence directly into the United States.

It is entirely wrong to say that the immense sums of money that have so recently flowed into your Treasury, as avails of the public lands, are contributed exclusively by the West; millions of the capital of the Atlantic States and Atlantic cities have been invested in your public lands; and I might go further, and show to you that large as are the revenues that have recently been received from your public lands, they have not yet yielded to the Government as much as they cost the Government. I have in my hands, sir, a document, being a report made by the Secretary of the Treasury to the other branch of the Legislature, on the 25th day of January last, in compliance with a resolution of the Senate on the subject of the public lands. From this it appears that your public lands have cost the nation - - - $63,608,232
And that the amount received for them, to the 25th of January last, was only - 57,652,207

Leaving them still a debtor to the Government in - - - - - - $5,946,025

Gentlemen can refer to the document to which I have above alluded, for the particulars that constitute the above sum of more than sixty-three millions of dollars. The main items are the Louisiana purchase, the expenditure under the head of the Indian department from the commencement of the Government, the amount paid for the Floridas, the expenses of the land offices, and the expense of surveying the public lands. I repeat, sir, that I indulge in this course of remark not in any taunting spirit; not to induce the belief that more has been done for the West and Southwest than ought to have been done, (for I do not cherish this belief,) but to convince, if possible, our brethren of the West and Southwest, that they have not been forgotten or neglected, and that their fellow-citizens of the seaboard have not engrossed an undue share of the favors and the bounties of this Government. Let us, then, sir, discard that narrow feeling which would oppose a national work, because the money appropriated for its construction is not to be expended in our immediate neighborhood; opposition founded on such feelings is unworthy of the high places we here hold. It is the emanation of a spirit contracted and selfish. It was not such a spirit which achieved the independence of this republic. It is not such a spirit which can urge us on to the high destiny which but for ourselves awaits us.

Sir, it appears to me that the inducements that now urge us to make liberal appropriations for our country's defence, to increase our navy, and extend our system of fortifications, are of irresistible force. Our commerce is daily extending, and in proportion as it spreads wider and wider, will the causes of our rupture with foreign nations increase. Nations are but masses of individuals, and every day's experience teaches us that individuals who are engaged in extended commercial operations are more exposed to controversies and litigations than those who are engaged in more quiet and limited pursuits; and though the cloud of war that so lately hung over us has been dispelled, yet, in the ever-varying current of national interests and national events, who can tell how soon we may be called upon to expend our blood and our treasure in defence of our dearest national interests? Recent occurrences should not, they cannot, fail to awaken throughout the country more respect for the familiar, and almost hackneyed, though sound maxim, of the Father of his Country, "in peace to be prepared for war." The wisdom of this advice is demonstrated not only by the observation of the disposition of nations, but of individuals. The man who is willing and able to repel assault is not apt to be molested by the braggart and the bully. All experience teaches us that the best way to avoid attack is never to court it, but always to be prepared to meet it firmly, come when and how it may. Those who would otherwise molest you, will then be apt to act upon the principle that "the better part of valor is discretion;" just so with nations, sir.

To conclude, then, sir, we have an overflowing Treasury; we have lately had most threatening relations with one of the most powerful nations of Europe; a vastly extended and almost defenceless seaboard; a navy which, much as it has contributed to the honor of the country, ranks only with that of some of the smaller Powers of Europe; and (what seemed to be quite indispensable to some gentlemen on another occasion) the recommendation of the President, to make liberal appropriation to objects of defence. What, sir, are the suggestions of wisdom and patriotism under such circumstances? Shall we adopt a policy that shall prove our love of money stronger than our love of country? When the nation has so lately been threatened with a rupture, shall we hoard our treasure with the miser's spirit? emulate the example of Patrick Henry's hero, and cling to our "beef, beef, beef," our money, money, money, rather than promptly execute the great duty of common defence, authorized, if not inculcated, by the constitution? No, sir; the noble and chivalrous spirit which achieved our independence, and the example which we owe to the cause of free government throughout the world, forbid it. Those eloquent monitors urge us now, in the days of our plenty and prosperity, to secure the means of defending our happy country, that kings and despots may be faithless and ambitious, and yet the free-born citizens

of America may sit under their own vine and fig-tree, "without any to hurt or make them afraid."

When Mr. VANDERPOEL had taken his seat,

Mr. STORER took the floor, at nearly six o'clock, but gave way for a motion that the committee rise.

Mr. LEWIS moved that the committee rise; which motion was negatived: Yeas 26, nays 68.

The committee then rose, and reported that there was no quorum.

Mr. WISE moved that the House do adjourn.

On motion of Mr. CAMBRELENG, the yeas and nays were ordered, and the question being taken, it was decided in the negative: Yeas 31, nays 84.

There was not a quorum voting; and, upon an intimation that there was evidently a quorum present, tellers were appointed, who reported a sufficient number, and the House again went into committee.

Mr. STORER then rose and addressed the Chair as follows:

Mr. Chairman: The debate upon this bill has already been sufficiently protracted, and every member of the committee, I am satisfied, is prepared to vote upon the question it involves. I am prepared, and have been for the last four weeks, to meet the appropriation for the naval service with my hearty sanction. I had not intended to offer any remarks on the subject under discussion, and would have been content to have remained a hearer rather than a speaker, if I had not heard, within the last few days, a tirade upon this floor, which a proper sense of public as well as private duty will not permit me to pass by without the most unequivocal animadversion.

Sir, the navy and the army, though different arms of the public defence, and requiring the adaptation of different means to their effective usefulness, yet upon one point both must unite. I mean that *esprit de corps* which alone can elevate and sustain the character of either profession. It is vain for any Government to rely upon the mere appliances of war, the physical *materiel* of an army or a navy alone: unless her soldiers and her sailors are gallant men, and their well-earned reputations are preserved, I would say hallowed, in her history, every noble incentive to effort is extinguished, every glorious throb of patriotic enthusiasm is hushed. We may improve, by the expenditure of millions, our navy yards, we may increase our marine, we may erect new fortifications, and add to the numerical strength of our army; but, unless the true American spirit exists throughout the Union, unless it pervades this hall, that spirit which rejoices in the triumph of our arms, and mingles in the holy enthusiasm which is kindled at the recital of heroic deeds, the sun of American glory is set. Who, sir, will fight for freedom, when the only reward he can expect from his country is the neglect, the pity, or the scorn, of those for whose defence he has perilled his life; and expended his fortune?

Sir, this is a war among the tombs; and the hand that would pluck the laurel from the brow of the true soldier, would obliterate his epitaph. It is no matter upon whom such an assault is made, the living or the dead; he who has survived the battle-shock, or he who has fallen in the thickest of the fight; better, far better would it be, that no trace of American chivalry should be found in our annals, that no record of our martial deeds should remain for future ages, if the leaves of our history are to be thus recklessly torn out and scattered to the winds.

I have been induced to rise and ask the attention of this committee while I reply to the remarks of the honorable gentleman from Kentucky, [Mr. HAWES,] who addressed the House on Monday last. That gentleman, in his discussion of the Kentucky resolutions on the public lands, devoted the greater part of his speech to an attack upon a distinguished citizen who has long held a high place in the estimation of the American people. Sir, that citizen is my personal friend, he is one of my immediate constituents; above all, he is the candidate of a numerous and proud-spirited portion of his countrymen for the highest office in their gift: he stands before the people of this Union, aided by no Government press or Government patronage; his friends have no rewards to distribute, and do not act upon the principle that punishments even, are to be enforced in the day political retribution; he and they profess to love their country more than party; and governed, as they believe, by a sacred regard to the constitution and the laws, will not surrender their freedom while they have the ability to assert and defend it.

The gentleman from Kentucky attempted, though very discursively, to trace the military character of General Harrison, from the battle of Tippecanoe to the surrender of Proctor's army at the Thames. He did not refer to his early career in the Northwest, nor to that decisive engagement on the Maumee in 1794, when, as the aid-de-camp of Wayne, General Harrison acquired an enviable reputation for valor and military talent. These events, sir, were passed over, whether because they were unknown, or did not suit the object the gentleman had in view, I cannot now decide. I leave to others the solution of the doubt, and commend the study of our early history to those who have taken the character of our "war-worn soldiers" into their exclusive keeping. Before I close my remarks, I shall allude to these events again.

What reason does the gentleman give for his attack, so ill-timed, and, I must say, so ungenerous? Why, sir, he affects to reply to a passing observation of his colleague, uttered two months ago, in the debate upon the "fortification bill of the last session." Since that period, the gentleman has had the floor not infrequently, and might have been gratified with a hearing; but he has postponed his remarks, until it would seem some political object was to be subserved by the destruction of exalted worth and heroic valor.

The spirit of party is insatiate; it is propitiated by no sacrifice; it is softened by no appeal. Sir, it has no heart. Its altar, like the brazen image of Moloch, is always heated for its victims; and while they are writhing in burning torture, the followers of that party, like the devotees of old, cry aloud to their idol, and imprecate new vengeance upon the sufferers. Ah, sir, we may go further with our illustration: the political Juggernaut of the present day, like the Indian temple, is the centre of attraction, and of infallibility also; around it the crowd thicken, and from it the faithful dispense their lessons of political wisdom—lessons learned from one common source, and taught, as not to be controverted, questioned, or impugned. Beneath the wheels of this cumbrous mass some are willing to prostrate themselves for the glory of the cause, while others give impetus to its desolating progress. And is it at the great feast of Brahma that we are called on to witness the ceremony of party immolation? Must our eyes behold the preparation for these barbarous rites, until the last pang of the victim is lost in the shouts of those who minister at the sacrifice? Must we see all this, and yet be told that we should hold our peace; that our only answer must be that of expressive silence? Sir, I cannot consent to such a system; and come what will, with a clear conscience, and an unshaken spirit, however feeble may be my power, I repudiate it as fatal to liberty, and destructive to all high and generous impulses.

The gentleman from Kentucky has imputed to General Harrison a total want of military conduct in the bloody battle of Tippecanoe, and directly charges, on the authority, as he says, of the report of the times, that, trusting "to the faith of an Indian chief, he suffered his army to be drawn into a position which required the

greatest bravery to prevent their overthrow;" and again, he asserts that "the general was at the head of brave troops, who failed only in shedding glory on their country for the want of a proper commander." These, sir, are his charges, gravely made upon the floor of this House, in the presence of an American Congress. [Here the Chairman reminded Mr. STORER that he was discussing a subject not before the committee; but hearing the cry of "Go on" from many members, Mr. S. proceeded.] I know, Mr. Chairman, that the debate is not strictly in order, yet I am but replying to the gentleman who took occasion to address the House upon the Kentucky resolutions, and found opportunity, as well as permission, to indulge in those attacks which I am now endeavoring to repel. He, sir, I presume, will not be allowed to take the course he did, while I am compelled to be silent. I know full well that the present period is the only one when an opportunity will be afforded me to defend the reputation of a gallant soldier. I deem it, sir, as the "*tabula in naufragio*," upon which I am to contend with the winds and waves of party violence; as the only ground where I can stand without being controlled by the caprice of party rule, or the more odious tyranny of the previous question. As it is, then, my only hope, I shall follow out the gentleman's course and controvert, as I trust I shall, his several positions.

The battle of Tippecanoe is matter of history; it was fought twenty-four years ago, when the gentleman from Kentucky was a youth; and, whatever are the sources of his information, let us appeal to the annals of the times; for by them, at last, the question must be determined. When General Harrison was called into the field, he was Governor of the Indiana Territory; and such was the confidence of the President of the United States, (Mr. Madison,) in his military qualifications, that a regiment of regular troops, and one, too, which signalized itself, was placed under his command. His little army, in addition to that regiment, was composed of several companies of Indiana militia, a small corps of mounted riflemen, and a troop of horse from Jefferson county, Kentucky. The officers who led these brave men were distinguished for their talent and valor; and when, in the stillness of the night, the crack of the rifle broke upon their slumbers, they sprang with their comrades into the midst of the fight. Sir, there was no flinching there; it was a glorious though a bloody field; when, with a force of seven hundred men, more than nine hundred well-armed and desperate savages were compelled to give way; and the fact that such perfect order and discipline prevailed throughout that scene of carnage, exhibits in the strongest light the talent and the firmness of that gallant soldier whose voice, to use the language of one who fought at his side, was heard wherever "danger was most pressing, above the noise of the battle."

Sir, before the lamented Colonel Daviess joined General Harrison, he addressed a letter to him, from which I ask to read an extract:

"The object of this letter is to say that I am very desirous to be with you in this service, and certainly will attend, if I am duly informed of the day of rendezvous. It is but rare that any thing of the military kind is done; it is still more extraordinary that a gentleman of military talents should conduct matters of this kind when they are to be done, since the land is infested with generals so grossly incompetent. Now, under all the privacy of a letter, I make free to tell you that I have imagined there were two men in the West who had military talents; and you, sir, were the first of the two. It is thus an opportunity of service much valued by me. I go as a volunteer, leaving to you, sir, to dispose of me as you choose. No commission, I know, can be had; so I shall be a soldier. Perhaps some few young men here may join me and go on. If I had a full troop, I should like to be in the vanguard, very willing to be responsible for the good look out. J. H. DAVIESS.

"His Excellency Gov. HARRISON.

"AUGUST 24, 1811."

Such was Joseph H. Daviess, whom to name is but to honor. He fell at an early age, and in the midst of his fame; and if his departed spirit could be invoked to describe the horrors of that night, I feel confident the gentleman from Kentucky would learn a lesson that he would not through all time forget; he would be told that there was one who yet survived the "fire and the smoke" of battle, who in the post of danger was the cool and intrepid soldier; and wherever his form was seen, or his voice was heard, his name was the "war-cry" of his troops.

I select, sir, from McAffee's History of the war in the West, a work published in Kentucky, and whose author is a warm supporter of the present administration, a work composed and published at the conclusion of that war, the following statement, which I ask the gentleman from Kentucky especially to peruse: "An idea was propagated by the enemies of Governor Harrison, after the battle of Tippecanoe, that the Indians had forced him to encamp on a place chosen by them, as suitable for the attack they intended. The place, however, was selected by Majors Taylor and Clarke, after examining all the environs of the town; and when the army of General Hopkins was there in the following year, they all united in the opinion that a better spot to resist Indians was not to be found in the whole country."

To sustain these assertions, I offer the certificates of General Taylor, of Indiana, and Colonel Snelling, formerly captain in the 4th infantry:

"The above account, taken from McAffee's History of the war in the Western country, as it relates to the situation of the camp occupied by the army under the command of Governor Harrison, on the night between the 6th and 7th of November, 1811, is entirely correct. The spot for encampment was selected by Colonel Clarke (who acted as brigade major to General Boyd) and myself. We were directed by Governor Harrison to examine the country up and down the creek until we should find a suitable place for an encampment. In a short time we discovered the place on which the army encamped, and to which it was conducted by us. No intimation was given by the Indians of their wish that we should encamp there, nor could they possibly have known where the army would encamp until it took its position. The only error in the above extract is, in saying that Major Clarke and myself were sent back, by which it would appear that the army retrograded to take up its encampment. This is not the fact. The army filed off in front of the town, at right angles to the Wabash, to reach its encampment. It has ever been my belief that the position we occupied was the best that could be found any where near us, and I believe that nine-tenths of the officers were of that opinion. We did not go on the Wabash above the town, but I am certain that there was no position below it that was eligible for an encampment.

"WALLER TAYLOR.

"FEBRUARY 22, 1817."

"My situation as a platoon officer prevented my having a personal knowledge of the transactions above related, so far as respects the selection of the encampment of the army under General Harrison by his staff officers; but, having carefully perused the extract from McAffee's history, I have no hesitation in saying that I believe it to be substantially correct; and that, in my opinion, the ground on which the army encamped combined the advantages of wood, water, and a defensible position, in a greater degree than any other ground in that section of

the country; the ground on the Wabash was wholly unfit, the highland being destitute of water, and the interval (or bottom land, as it is called) being without wood, and incapable of being defended.

"J. SNELLING, *Lieut. Col. 6th Infantry.*

"WASHINGTON, *February* 28, 1817."

I trust the committee are now satisfied that the encampment at Tippecanoe was not selected by the advice of an Indian chief; and I fear that the remarks of the gentleman from Kentucky, on every other point to which he has referred, will be found to be sustained by no historical evidence. Sir, has the gentleman read the annals of his own State, and forgotten the tribute that his countrymen paid to the hero of Tippecanoe, in December, 1811? Yes, when, by a solemn vote of her Legislature, while her members were in mourning for the loss of Daviess, Owen, and the other gallant spirits who fell, fighting for their country, a resolution was passed, to which I beg leave to refer:

"*Resolved*, That, in the late campaign against the Indians on the Wabash, Governor W. H. Harrison has, in the opinion of this Legislature, behaved like a hero, a patriot, and a general; and that for his cool, deliberate, skilful, and gallant conduct, in the late battle of Tippecanoe, he well deserves the warmest thanks of the nation."

This was the language of the boldest and the best of Kentucky's chivalry, while her legislative halls were hung with mourning, and when, if any unkind feeling existed against General Harrison, it would have been displayed. It was the warm, the enthusiastic expression of generous feeling, spurning the influence of those who would check its course, and boldly asserting what it honestly believed. Will the gentleman expunge this record? will he blot out a page from Kentucky's history, and destroy one of the monuments that his own proud Commonwealth has erected to the soldier and the patriot? I cannot believe it.

But, sir, I would not confine the attention of this committee, more especially of the honorable gentleman, to the recorded approbation of his own State. I must read another homily to him, in the form of a certificate of the officers of the fourth regiment:

"The battle of Tippecanoe having terminated a campaign which led us to victory and honor, it is with pain we behold aspersions in the public prints aiming to destroy the confidence of our country in our late commander-in-chief.

"Governor Harrison having relinquished the command of the army lately employed against the Indians, and probably as an officer left us forever, the present statement cannot be attributed to servile flattery, but to the true and honest expression of our real sentiments in favor of a general whose talents, military science, and patriotism, entitle him to a high rank among the worthies of the Union, and whom we consider injured by the gross misrepresentations of the ignorant or designing, who are alike inimical to the best of Governments and the best of men.

"We therefore deem it necessary to state, as incontestable facts, that the commander-in-chief, throughout the campaign and in the hour of battle, proved himself the soldier and the general; that on the night of the action, by his order, we slept on our arms and rose on our posts; that notwithstanding the darkness of the night, and the most consummate savage cunning of the enemy in eluding our sentries, and rapidity in rushing through the guards, we were not found unprepared; that few of them were able to enter our camp, and those few doomed never to return; that in pursuance of his orders, which were adapted to every emergency, the enemy were defeated with a slaughter almost unparalleled among savages. Indeed, one sentiment of confidence, respect, and affection towards the commander-in-chief pervaded the whole line of the army, which any attempt to destroy we shall consider as an insult to our understandings, and an injury to our feelings.

"Should our country again require our services to oppose a civilized or savage foe, we should march under the command of Governor Harrison, with the most perfect confidence of victory and fame.

Joel Cook, Capt. 4th inf'y.
Josiah Snelling, Capt. 4th U. S. inf'y.
R. C. Barton, Capt. 4th inf'y.
O. G. Burton, Lieut. 4th inf'y.
Nath. F. Adams, Lieut. 4th regt. inf'y.
Charles Fuller, Lieut. 4th regt.
A. Hawkins, Lieut. 4th inf'y.
George Gooding, 2d Lieut. 4th inf'y.
H. Burchstead, Ensign 4th regt. U. S. inf'y.
Josiah D. Foster, Surgeon 4th inf'y.
Hosea Blood, Act. Assist. Surg. 4th inf'y."

On the 7th and 27th of December, 1811, the several corps of Indiana and Kentucky volunteers held meetings, and passed the most spirited resolutions, approbatory of the skill, talent, and bravery of their general; and both branches of the Territorial Government of Indiana, by their President and Speaker, addressed their Governor in a style and manner which bespoke their high estimate of his services; and is there an Indianian who lived in those perilous times, whose bosom will not echo back the same exalted sentiment? I appeal to the gentleman from that State, now a member of this House, [Mr. CARR,] who bore a part in that battle-field, and ask him to sustain me in the assumption I make in behalf of the feeling of his fellow-citizens.

But before I leave this division of my subject, I cannot refrain from citing a passage from an unpretending volume, written by a private soldier of the 4th regiment. Sir, it is the unvarnished story of a brave man, composed at a distance from his general, and under no other influences than truth and justice; and I commend it to all who hear me, more particularly to the delegation from New Hampshire, as a citizen of that State is the author of the production. It was published in Keene, in 1816, by Adam Walker, and at the 31st page may be found the extract to which I allude:

"General Harrison received a shot through the rim of his hat. In the heat of the action his voice was frequently heard, and easily distinguished, giving his orders in the same calm, cool, and collected manner with which we had been used to receive them on a drill or parade. The confidence of the troops in the general was unlimited, and his measures were well calculated to gain the particular esteem of the fourth regiment. All kinds of petty punishments, inflicted without authority, for the most trifling errors of the private soldier, by the pompous sergeant, or the insignificant corporal, were at once prohibited. A prohibition of other grievances which had too long existed in this regiment at once fixed in the breast of every soldier an affectionate and lasting regard for their general; the benefit of which was fully realized in the conduct of the troops in the engagement, as well as throughout the campaign."

I have thus produced the evidence of the subaltern and the private soldier, the historian, and the legislative record; and now I would ask the gentleman, upon what does he rely to make good his charges? Where will he point for that common report to which he has referred to sustain his attack? Sir, the reputation of General Harrison was assailed immediately after the victory he had achieved; and by whom was the warfare commenced, by whom carried on, and how did it terminate? Need I to recall the proofs I have already exhibited, that this committee may know the length and breadth of that persecution which a noble mind was compelled to encounter;

or shall I rather ask them to mark how triumphantly he passed through the ordeal, and came out from the fiery trial unscathed?

"As some tall cliff that lifts its awful form,
Swells from the vale, and midway leaves the storm,
Though round its breast the gathering clouds are spread,
Eternal sunshine settles on its head."

When General Harrison returned to Vincennes, it was not to assume his civil power only; the whole Territory was still threatened by the savage tribes, who hung about its frontier. The celebrated Tecumseh had planned a system of operation, in conjunction with the chiefs of the South and Northwestern Indians, which required the most profound knowledge of Indian policy to counteract; and in this new field, though not, to use the expressive language of the gentleman, in the midst of "fire and smoke," General Harrison displayed his sagacity in an eminent degree. During the ensuing winter and spring he made every preparation that the defence of the Territory required, and had so completely succeeded in subduing the turbulent spirit of the Indian tribes by which it was surrounded, that, on the 10th of May, 1812, a grand council was held at Mississineway, where thirteen tribes were represented by their chiefs. The result of this meeting was the apparent restoration of all former friendship and intercourse, though, on the part of some of the tribes, the pledge was afterwards broken.

When the news of war with Great Britain reached the West, the hero of Tippecanoe was at his post; it found him ready to gird on again his sword. Early in the month of August, the Governor of Kentucky sent to him by express, requesting his presence at Frankfort without delay. On his arrival at that place, he was immediately consulted as to the disposition of that part of the quota of Kentucky militia destined to protect the Northwest; and though these troops were commanded by an officer high in rank in his own State, yet, following out the burst of public sentiment, and by the advice of Shelby, Greenup, Clay, Todd, Colonel R. M. Johnson, and General Hopkins, Governor Scott, who had been a revolutionary soldier, conferred upon General Harrison the brevet commission of major general in the Kentucky militia, and appointed him to lead her brave troops to the frontier. This distinguished honor, thus bestowed long after the battle on the Wabash had been fought, and when the reports prejudicial to his military character, to which the gentleman alluded, if ever well founded, were most prevalent, was the proudest tribute ever paid to merit. It was no ordinary compliment to be selected by a gallant and high-spirited people as their leader and their rallying point; a people who never knew danger except to overcome it; who were exquisitely alive to all those noble impulses which, while they extend a generous confidence, are yet tenacious of the slightest innovation upon individual honor. If they were now in this hall, what answer would they return to these charges? What mingled emotions of regret and indignation would rise in their bosoms, to find their estimate of talent, and courage, and patriotism, so utterly valueless. Happy would it be for those who survive, if their generous confidence was not now reproached, and their devotion to their country's service suspected; and happy, thrice happy, is it for the dead that detraction cannot enter their prison-house. I hold it that such must be the predicament of Kentucky's patriotic sons, if the assertions of the honorable gentleman are sustained by evidence. It must come to this: that they held forth to the world one who was worthy to lead her armies and preserve her fame, or that they voluntarily bowed down to humiliating self-degradation. Sir, I cannot doubt the purity of their motives, and the heroic spirit by which they were inspired; they knew the man to whom they deputed power; they knew his ability, his integrity, and his chivalrous feeling. They acted not merely for the present age, but for posterity; and their conduct will stand out, in all after time, conspicuous among the monuments of our national glory.

Mr. Chairman, we are told of the slaughter at the river Raisin, and asked with emphasis, Why did not Harrison come to the rescue? He was near that field of carnage, said the gentleman, "with a competent force," and yet he hesitated to proceed. Let us recur to the history of the day. On the 22d of January, 1813, the bloody scenes of the Raisin occurred; on the 20th of the same month General Harrison arrived at the Rapids of the Maumee; General Winchester had already left the Rapids, the troops remaining there being under the command of General Payne. Immediately after his arrival, General Harrison despatched Captain Hart, the inspector general, to Winchester, with the intelligence of the movements in his rear, and instructed him to maintain his position. The next day Winchester sent a message to Harrison, that, if his force was increased to one thousand or twelve hundred men, he would be able to sustain his ground. On the same morning a detachment, under General Payne, was ordered to Frenchtown, which, with a battalion already on its march, under Major Cotgrove, made the force stronger than General Winchester required. Sir, they were one day too late. On the 22d, at ten o'clock, the news of the attack reached the Rapids, and immediately the whole force was put in requisition, and a movement made to the Raisin. In a short time it was ascertained that the defeat had been total, and a council of general and field officers being held, it was decided to be imprudent and unnecessary to proceed farther. The safety of the frontier from the irruption of an enemy flushed with victory required that the troops should be concentrated upon the most exposed points, and it would have been the height of folly for the commanding general to have thrown himself, with the small force under his control, in the face of an enemy more numerous and better equipped than his own army.

Mr. Chairman, a gallant officer served in that campaign, and afterwards fell on the Niagara frontier, in the glorious sortie from Fort Erie. I mean Colonel Wood, who, to use the language of General Brown, in his official letter, "died as he had lived, without a feeling but for the honor of his country and the glory of her arms." That officer, sir, has left the following testimony in his private journal, now in the library at West Point, and which I extract from McAffee, who had access to it. Speaking of the tragedy at the Raisin, he says:

"This news for a moment paralyzed the army, or at least the thinking part of it, for no one could imagine that it was possible for him (General Winchester) to be guilty of such a hazardous step. General Harrison was astonished at the imprudence and inconsistency of such a measure, which, if carried into execution, could be viewed in no other light than as attended with certain and inevitable destruction to the left wing. Nor was it a difficult matter for any one to foresee and predict the terrible consequences which were sure to mark the result of a scheme no less rash in its conception than hazardous in its execution.

"With respect to re-enforcing the detachment, a recurrence to facts equally proves that Harrison is not blameable, as he made every exertion in his power to support it. It was not until the night of the 16th that he received the information, indirectly, though General Perkins, that Winchester had arrived at the Rapids. By the same express he was advised that Winchester meditated some unknown movement against the enemy. Alarmed at this information, he immediately made every exertion which the situation of his affairs required. He was then at Upper Sandusky, his principal deposite of provisions

and munitions of war, which is sixty miles from the Rapids by the way of Portage river, and seventy-six by the way of Lower Sandusky, and about thirty-eight more from the river Raisin. He immediately sent an express direct to the Rapids for information; gave orders for a corps of three hundred men to advance with the artillery, and escorts to proceed with provisions; and in the morning he proceeded himself to Lower Sandusky, at which place he arrived in the night following, a distance of forty miles, which he travelled in seven hours and a half, over roads requiring such exertion that the horse of his aid, Major Hukill, fell dead on their arrival at the fort. He found there that General Perkins had prepared to send a battalion to the Rapids, in conformity with a request from General Winchester. That battalion was despatched the next morning, the 18th, with a piece of artillery; but the roads were so bad that it was unable, by its utmost exertions, to reach the river Raisin, a distance of seventy-five miles, before the fatal disaster.

"General Harrison then determined to proceed to the Rapids himself, to learn personally from General Winchester what were his situation and views. At four o'clock on the morning of the 19th, while he still remained at Lower Sandusky, he received the information that Colonel Lewis had been sent with a detachment to secure the provisions on the river Raisin, and to occupy, with the intention of holding, the village of Frenchtown. There was then but one regiment and a battalion at Lower Sandusky, and the regiment was immediately put in motion, with orders to make forced marches for the Rapids; and General Harrison himself immediately proceeded for the same place. On his way, he met an express with intelligence of the unsuccessful battle which had been fought on the preceding day. The anxiety of General Harrison to push forward, and either prevent or remedy any misfortune which might occur, as soon as he was apprized of the advance to the river Raisin, was manifested by the great personal exertions which he made in this instance. He started in a sleigh with General Perkins to overtake the battalion under Cotgrove, attended by a single servant. As the sleigh went very slow, from the roughness of the road, he took the horse of his servant and pushed on alone. Night came upon him in the midst of the swamp, which was so imperfectly frozen that the horse sunk to his belly at every step. He had no resource but to dismount and lead his horse, jumping himself from one sod to another which was solid enough to support him. When almost exhausted, he met one of Cotgrove's men coming back to look for his bayonet, which he said he had left at a place where he had stopped, and for which he would have a dollar stopped from his pay unless he recovered it. The general told him he would not only pardon him for the loss, but supply him with another, if he would assist him to get his horse through the swamp. By his aid, the general was enabled to reach the camp of the battalion.

"Very early on the morning of the 20th he arrived at the Rapids, from which place General Winchester had gone, on the preceding evening, with all his disposable force, to the river Raisin. Nothing more could now be done, but wait the arrival of the re-enforcements from Lower Sandusky.

"The original force of General Winchester at the Rapids had been about thirteen hundred, and all but three hundred were now gone in advance. The battalion from Lower Sandusky was hurried on as fast as possible; and as soon as the regiment arrived, three hundred and fifty strong, on the evening of the 21st, the balance of Winchester's army was ordered to proceed, which they did next morning, under General Payne. The force now advancing exceeded, by three hundred, the force deemed sufficient by General Winchester to maintain his position. But whether sufficient or not, it is evident, from the preceding statement of facts, that no more could be sent, and that greater exertions could not be made to send it in time. Instead of censure being due to General Harrison, he merits praise for his prudent exertions, from the moment he was apprized of Winchester's arrival at the Rapids.

"What human means," says Colonel Wood, "within the control of General Harrison, could prevent the anticipated disaster, and save that corps which was already looked upon as lost, as doomed to inevitable destruction? Certainly none; because neither orders to halt, nor troops to succor him, could be received in time, or at least that was the expectation. He was already in motion, and General Harrison still at Upper Sandusky, seventy miles in his rear. The weather was inclement, the snow was deep, and a large portion of the black swamp was yet open. What could a Turenne or an Eugene have done, under such a pressure of embarrassing circumstances, more than Harrison did?"

Sir, the gentleman is correct when he says that the massacre at the Raisin covered Kentucky with gloom. Not that her brave people desponded, or faltered in their purposes; but the sundering of so many ties that bound kinsmen, and friends, and neighbors together, the desolation produced by so many blighted hopes, so many unrequited expectations, while they caused the heart to throb and the tear to start, did not quench that stronger feeling which rose high above every other, and cried out for retributive vengeance.

And to whom did the fathers, the sons, and the brothers, of the victims of that bloody field look for their leader? Under whom did the people of Kentucky, burning to revenge savage, and more than savage—I mean British barbarity—place themselves, as it were, en masse? Sir, they confided still to their old general; they did not impute to him any of the blame, any of that military delinquency, which are now charged to have been justly attributable to their then chosen commander. Need I to refer to the three thousand gallant men who, in the following April, marched under his banner? Can I forget to mention Green Clay, their general, and Boswell, and Dudley, and Caldwell, and Cox, who led the regiments that composed this elite of old Kentucky? Shall I rather, as the proof is so clear, and the occasion so apposite, ask the gentleman to read a communication from his colleague, who was brave among the bravest in the conflicts of the Northwest? On the 4th of July, 1813, Colonel Richard M. Johnson addressed a letter to General Harrison, from which I ask the committee to permit me to read an extract:

"Two great objects induced us to come: First, to be at the regaining of our own territory and Detroit, and at the taking of Malden; and, secondly, to serve under an officer in whom we have confidence. We would not have engaged in the service without such a prospect; we did not want to serve under cowards nor traitors, but under one who had proved himself to be wise, prudent, and brave."

Mr. Chairman, the earth has closed over the martyred heroes who fell at the Raisin; but that field of slaughter can never be forgotten. Long, long after the present generation shall have slept with their fathers, the brave spirits of other times, when they visit the banks of that mournful river, will recall the scenes of that terrific day, when, in the depth of a Northern winter, contending not merely with the elements but an overwhelming force, a Spartan band nobly sustained the American character—when in the midst of perils the most stern, while death in all the horrid forms of savage cruelty met him on every side, the soul of the backwoods volunteer rose superior to the conflict, and coolly prepared for the issue, however fearful. Yes, the field of Frenchtown is

already consecrated ground—no monument is there to point out the restingplace of the brave, but the traveller, while musing among the few traces that yet mark the spot, involuntarily stays his footsteps, and expresses the beautiful sentiment inscribed upon the tomb of a foreign warrior:

"Siste viator, heroa calcas!"

Mr. Chairman, the gentleman from Kentucky has alluded to Fort Stephenson; and, sir, the brilliant, I might say unparralleled, defence of that fortress by Major Croghan is a bright page in our annals—it is now too late to dim its lustre. Whatever may have occurred between General Harrison and a subaltern officer, in the strict discharge of military duty, has been passed upon and fully appreciated by the American people, for more than twenty years. There were those who reflected on General Harrison for his conduct, in the very delicate position in which he was placed by the refusal of Croghan to obey his orders; orders, sir, that were the result of a council of war composed of officers who afterwards distinguished themselves on the frontier; but the true history of the transaction explained the course that was pursued, and fully justified it. Permit me to refer to a letter which I would commend the gentleman to study before he again indulges in the strain he has already pursued:

"LOWER SENECA TOWN,
August 29, 1813.

"The undersigned, being the general, field, and staff officers, with that portion of the Northwestern army under the immediate command of General Harrison, have observed, with regret and surprise, that charges, improper in the form as in the substance, have been made against the conduct of General Harrison during the recent investment of Lower Sandusky. At another time, and under ordinary circumstances, we should deem it improper and unmilitary thus publicly to give any opinion respecting the movements of the army. But public confidence in the commanding general is essential to the success of the campaign, and causelessly to withdraw or to withhold that confidence is more than individual injustice; it becomes a serious injury to the service. A part of the force of which the American army consists will derive its greatest strength and efficacy from a confidence in the commanding general, and from those moral causes which accompany and give energy to public opinion.

"A very erroneous idea respecting the number of the troops then at the disposal of the general, has doubtless been the primary cause of those unfounded impressions. A sense of duty forbids us from giving a detailed view of our strength at that time. In that respect, we have fortunately experienced a very favorable change. But we refer the public to the general's official report to the Secretary of War, of Major Croghan's successful defence of Lower Sandusky. In that will be found a statement of our whole disposable force; and he who believes that, with such a force, and under the circumstances which then occurred, General Harrison ought to have advanced upon the enemy, must be left to correct his opinion in the school of experience.

"On a review of the course then adopted, we are decidedly of the opinion that it was such as was dictated by military wisdom, and by a due regard to our own circumstances, and to the situation of the enemy. The reasons for this opinion it is evidently improper now to give, but we hold ourselves ready at a future period, and when other circumstances shall have intervened, to satisfy every man of its correctness who is anxious to investigate and willing to receive the truth. And with a ready acquiescence, beyond the mere claims of military duty, we are prepared to obey a general whose measures meet our most deliberate approbation, and merit that of his country.

Lewis Cass, Brig. Gen. U. S. A.
Samuel Wells, Col. 17 R. U. S. I.
Thos. D. Owings, Col. 28 R. U. S. I.
George Paull, Col. 17 R. U. S. I.
J. C. Bartlett, Col. Q. M. G.
James V. Ball, Lieut. Col.
Robert Morrison, Lieut. Col.
George Todd, Maj. 19 R. U. S. I.
William Trigg, Maj. 28 R. U. S. I.
James Smiley, Maj. 28 R. U. S. I.
Rd. Graham, Maj. 17 R. U. S. I.
Geo. Croghan, Maj. 17 R. U. S. I.
L. Hukill, Maj. & Ass. Insp. Gen.
E. D. Wood, Maj. Engineers."

Sir, what language did the people of Kentucky hold, after all the difficulties I have referred to had transpired? Did they regard the imputations now made upon General Harrison as well founded? No, sir; their language was that of strong confidence, not of doubt or suspicion—of a deep conviction that General Harrison possessed all the qualities of the head and the heart to command their implicit reliance. The venerable Shelby—and is there a Carolinian here whose soul does not kindle at the name of King's mountain?—he, the hero and patriot, placed himself under the command of that man who "was not in the fire and smoke of Sandusky." And need I mention Henry, and Desha, Allen, Caldwell, King, Chiles, and Trotter, of Adair and Walker, of Johnson, McDowell, and Barry, and Crittenden, who, with their chivalrous troops, fought under his banner?

Sir, I appeal to the gentleman's colleague, [Mr. CHAMBERS,] who bore an honorable part in the events of that period, to sustain me. He was the aid-de-camp of Harrison; and is, thank Heaven, a living witness to this committee that his venerated general was all that his country could ask to sustain her safety and her honor. To another colleague of the gentleman, [Mr. UNDERWOOD,] who bears upon his body an honorable wound received in Dudley's fatal rencontre, on the Maumee, I would also refer; and, before I leave this part of my remarks, permit me to ask the gentleman's other colleague, [Colonel JOHNSON,] who, I have already said, was always at the post of danger, to correct me, if I am in error in so important, so vital a matter, as the reputation of a soldier. On his recorded evidence, and his own generous and just acknowledgment, I would cheerfully rest.

Mr. Chairman, we are told that, at the battle of the Thames, General Harrison was in the rear of his army, apparently not anxious to expose himself; in other words, that he was not inclined to hazard himself in a speedy pursuit of the British army; but, sir, we are furnished with no proof; we are pointed to no cotemporary writer who records the fact. Let me commend the gentleman again to go back to the annals of those days, and improve his recollection and his taste: let me ask him to study, while he is thus engaged, the exalted sentiment, the high-wrought patriotism, that "breathe and burn throughout the following extracts." Governor Shelby, in a letter to General Harrison, dated Frankfort, April 21, 1816, says:

"FRANKFORT, *April* 21, 1816.

"During the whole of this long and arduous pursuit, no man could make greater exertions or use more vigilance than you did to overtake Proctor, whilst the skill and promptitude with which you arranged the troops for battle, and the distinguished zeal and bravery you evinced during its continuance, merited and received my highest approbation.

"In short, sir, from the time I joined you to the mo-

ment of our separation, I believe that no commander ever did or could make greater exertions than you did to effect the great objects of the campaign. I admired your plans, and thought them executed with great energy; particularly your order of battle, and arrangements for landing on the Canada shore, were calculated to inspire every officer and man with a confidence that we could not be defeated by any thing like our own number.

"Until after I had served the campaign of 1813, I was not aware of the difficulties which you had to encounter as commander of the Northwestern army. I have since often said, and still do believe, that the duties assigned to you on that occasion were more arduous and difficult to accomplish than any I had ever known confided to any commander; and, with respect to the zeal and fidelity with which you executed that high and important trust, there are thousands in Kentucky, as well as myself, who believed it could not have been committed to better hands.

"With sentiments of the most sincere regard and esteem, I have the honor to be, with great respect, your obedient servant,

"ISAAC SHELBY.

"Maj. Gen. William Henry Harrison."

Commodore Perry, who joined the army after the victory on Lake Erie, as the general's volunteer aid, in a note, dated Newport, August 18, 1817, expresses himself in these unqualified terms:

"Newport, *August* 18, 1817.

"Although I have little or no pretensions to military knowledge, as relates to an army, still I may be allowed to bear testimony to your zeal and activity in the pursuit of the British army under Proctor, and to say, the prompt change made by you in the order of battle, on discovering the position of the enemy, always has appeared to me to have evinced a high degree of military talent. I concur most sincerely with the venerable Governor Shelby, in his general approbation of your conduct (as far as it came under my observation) in that campaign. With great regard, I am, my dear sir, your friend,

"O. H. PERRY.

"Major General W. H. Harrison."

Sir, I have found these testimonials in the life of General Harrison, published in 1824, by Moses Dawson, Esq., who is, on this subject, a most disinterested and competent witness. He is now, and always has been, an ardent, a consistent supporter of the present administration; he came not into the party at the eleventh hour, but, acting upon his original principles, has ever defended the fame of the brave man whose military services he has so faithfully recorded.

The issue of the battle of the Thames is known to the world; it sealed the permanent success of the American arms in the Northwest; it rescued our territory from British dominion, and drove back to the forest those countless savages who had so long desolated our frontier.

If, sir, I was called on to select a period during the late war, when the spontaneous burst of a whole people's gratitude was heard in the village, the town, or the city, wherever there was a heart to feel and a tongue to speak, I would point to those more than Roman triumphs which awaited the conqueror of Proctor.

The gentleman from New York, now in my eye, [Mr. Lee,] cannot have forgotten the illumination at Old Tammany, the beautiful transparency in front of the venerable wigwam, and the high-wrought feeling of that hour, when the grand sachem, and the whole tribe of true democratic bucktails, held their patriotic council in the autumn of 1813. I ask him if he was not one of that company, and when the cup was pledged to valor and talent, his own soul was not kindled with the common enthusiasm that pervaded every bosom? Sir, the republicans of that day paid honor to whom honor was due; they were the true American spirits who had, with pious care, collected the remains of our valiant countrymen, which had bleached for more than thirty years on the shores of Long Island, and bestowed, though late, the holy rite of sepulture upon the victims of the Jersey prison-ship. They were the friends of Harrison; and their hearts responded to every noble, every glorious impulse. It is not for me to say how many of that veteran corps retain their rank, or even their place, in the wigwam: if the ancient race has become extinct, and the months of "fruits and of flowers" are appropriated by more devoted, more sincere, and more disinterested followers of the patron saint, it must be matter of high congratulation; but if that hall is now a mere hunting-ground, where the spoils of the chase are the only rewards, and the destruction of all who do not unite in the sentiment is a first principle, then, indeed, the founders of the brotherhood mistook the nature of man, and established an institution to which the power of a Spanish inquisition bears but a faint resemblance.

Mr. Chairman, I ask the members from the key-stone State to recall the feeling of their fellow-citizens at that interesting era; to peruse, once more, the description of those unsought honors which a virtuous people bestowed upon exalted merit. Can they forget the 21st of October, 1813, when their beautiful city presented, amid the darkness of the night, a sublime, a glorious spectacle?* Sir, the inscriptions that might then have been read were not of blind devotion to any man, much less of devotion to party; they stood out, in letters of fire, and proclaimed the names of Harrison and Perry.

But I have not done. On the 9th of December, 1813, a public entertainment was tendered to General Harrison by the people of Philadelphia; and I must be permitted the gratification to read the short but truly republican address with which he prefaced the sentiment that such an occasion is expected to call forth:†

"Gentlemen," said General Harrison, "permit me to offer a volunteer toast, and very briefly to state the motive which prompts me to take one of the regular toasts of the day as a mean of communicating my opinion. Believing, as I do, that a sentiment is gaining ground unfriendly to republicanism, and injurious to the nation, and knowing, by my own experience, that the sentiment is not well founded, I will give you—

"*The militia of the United States:* They possess the Roman spirit; and when our Government shall think proper to give them that organization and discipline of which they are susceptible, they will perform deeds that will emulate those of the legions led by Marcellus and Scipio."

And where may we look for a more honorable testimony to the value and efficiency of a well-regulated and disciplined militia? It certainly becomes those who would impute to General Harrison a disregard for the feelings of the American people, who are, after all, the only American soldiers, to pause and reflect, ere they cast their anathemas upon one who could utter a sentiment so exalted.

Mr. Chairman, the Ancient Dominion did not forget, in that hour of general gratulation, one of her gallant sons; and, sir, she could never—no, never, even in the darkest hour of party violence—forget the father of that son. No, sir; while her own annals, while the great charter of our political liberty remain, the name of Benjamin Harrison will be associated with that of Jefferson, of Randolph, and of Henry.

* 5 Niles's Register, 146.

† 5 Niles's Register, 263.

Sir, permit me to quote from the Richmond Enquirer, when the news of Proctor's defeat reached that city:

"General Harrison's detailed letter tells us of every thing we wish to know about the officers, except himself. He does justice to every one but to Harrison, and the world must therefore do justice to the man who was too modest to be just to himself."

Again: What Virginian has not read the proclamation of the mayor of Richmond, recommending a general illumination, on the evening of November 24, 1813, when, guided by the common impulse, he told his fellow-townsmen to "give vent to their feelings—to think of Perry, who paved the way, and of Harrison, whose intrepid valor had thus nobly achieved the victory!"* I find this proclamation is dated at ten o'clock, on the evening of the Sabbath; and well might the spirit of the old Commonwealth have been roused, when, like the mother of the Gracchi, she could point to Harrison, and claim him as one of her children. Well might the sympathy which was then excited in every bosom have been regarded as the common property of her people, when, like the torch that was passed from hand to hand in the days of Grecian glory, the holy fire of gratitude pervaded every heart, as it found there its kindred element.

Sir, shall I refer to other States, and their patriotic people, to swell the song of universal triumph which echoed from every hill, and spread through every valley of this great republic, when the heart of a whole nation throbbed with tumultuous joy? Enough has already been told to rescue, I trust, the memory of the past from this *auto de a fé* of party; to place before this House and this nation what was, and what is; to exhibit the startling truth, that no service can be so meritorious, no fame so well deserved, no worth so exalted, but that party necessity may doom its destruction, and party discipline carry out the sentence.

It is, Mr. Chairman, a subject of gratulation that, in this war against character, our own archives have not yet been destroyed; that the bright page of our country's history, the records even of this House, have not yet been fired by the torch of some modern Omar. There is a memorial of public opinion, that may be seen in this day of darkness, standing out, not, sir, in letters of gold, but in the simple, yet sincere language of a nation's gratitude. Let me refer the committee, and the honorable gentleman also, to the resolution of this House, which passed, without a dissenting voice, in April, 1818, presenting the thanks of Congress to Harrison and Shelby, and authorizing the President to bestow upon each of them a gold medal, for their gallantry at the Thames.

Thus, Mr. Chairman, have I followed the gentleman from the Wabash to the Thames. I have concealed nothing, and I believe spoken naught but what the occasion required. The mass of materials from which I have gleaned the incidents I have presented is yet full of interest; for, sir, it cannot be exhausted; and if my remarks shall induce any one who hears me to go back to the "fire and smoke" of past times, I shall feel myself amply rewarded for the effort I have made, as I can then assure myself his views will become clear, and his judgment thoroughly disabused.

Sir, the State I have the honor in part to represent holds in high estimation the American navy; within her borders that splendid victory was achieved, which proved, to an astonished world, that even a British fleet might be conquered. On the bosom of an inland sea, whose waves had never been disturbed but by the strife of the elements, the roar of American cannon first awoke its slumbering waters; and beneath the soil of Ohio, on a beautiful isle of the lake, in all the solitude of nature, repose their ashes who fell fighting under that flag which bore, upon its glorious folds, the more glorious motto, "Don't give up the ship." Yes, we hope to preserve one monument, at least, that shall, through all future time, proclaim the heroism of the past, and serve to perpetuate the honor of the American arms. Mr. Chairman, the bold spirit who directed that unrivalled battle, and who, wherever peril was to be met, threw himself into the breach, has gone to his final account; but he has left a memorial behind him, alike honorable to his exalted generosity and gratifying to the people of the West. I allude, sir, to the following extract of a letter, written shortly after the victory:

"UNITED STATES SCHOONER ARIEL,
September 15, 1813.

"SIR: The very great assistance, in the action of the 10th instant, derived from those men you were pleased to send on board the squadron, renders it a duty to return you my sincere thanks for so timely a re-enforcement. In fact, I may say, sir, without these men, the victory could not have been achieved; and equally to assure you that they behaved as became good soldiers and seamen. Those who were under my immediate observation evinced great ardor and bravery.*

"Very respectfully, OLIVER H. PERRY.
"Major Gen. W. H. HARRISON."

Sir, the people of Ohio have been told, upon this floor, that injustice was done to the militia of that State by the commanding general; that their motives were impugned, and their efficiency denied. To sustain the assertion, a letter of General Harrison's to the Secretary of War has been referred to, dated in March, 1813, in which he speaks of the dismay and disinclination to the service which appeared to prevail; and says that "the new draughts from Ohio could not be depended upon." In the same letter, he alludes to the militia who served during the previous winter in the highest terms; and goes on to remark, that he has no doubt a sufficient number of good men could be procured. He recommends that they should be mounted, and, if sanctioned by the Department, "Kentucky would furnish some regiments that would not be inferior to those who fought at the Raisin." To this letter we are pointed, and asked to sustain the gentleman in the charges he has made; nay, further, as if he gathered confidence by reiterating the accusation, he tells us that the people of Ohio cannot, and will not, submit to such imputations; that they will reject any man who has done them, as he asserts, such injustice.

Sir, upon this part of his attack, the gentleman, if not in the "fire," is in the "smoke," and, as the clouds clear up, I trust he will grope his way out of the darkness. Before I reply to the inferences he attempts to draw from the letter to which he alludes, let me ask him to recur to the official letters of Washington during the Revolution, and read the strong language he used in relation to the efficiency of new recruits, no matter from what State they came, or in what service they were engaged; let him cast his eye upon the communication made to Congress on the 24th of September, 1776, from Harlaem Heights; and I would also commend the extract to those gentlemen from New York, who have evidenced, during this evening, so much anxiety to assist in the destruction of one who may stand in the way of their chosen leader: "To place any dependence upon militia," says Gen. W., "is assuredly resting upon a broken staff; men just dragged from the tender scenes of domestic life; unaccustomed to the din of arms; totally unacquainted with every kind of military skill, which, being followed by a want of confidence in themselves

*5 Niles's Register, 147.

*5 Niles's Register, 263.

when opposed to troops regularly trained, disciplined, and appointed, superior in knowledge, and superior in arms, makes them timid and ready to fly from their own shadows."

Now, sir, if the gentleman from Kentucky should, in an unguarded moment, rise in his place, and accuse the Father of his Country with injustice to the men of other days, and on such evidence as I have just furnished, appeal to the people for their sanction upon his effort, what might he expect; what could he hope for? As well might he endeavor to shut out the light of heaven, or to interrupt the motion of this globe by the touch of his finger. Again: I will come down to our own memory; the gentleman is now, and always has been, an ardent supporter of our venerable President, and yet he cannot have forgotten that pregnant passage in General Jackson's official despatch of January 9, 1815, wherein "he charged the Kentucky re-enforcements" to have "ingloriously fled, drawing after them, by their example, the remainder of the force, and thus yielding to the enemy a most fortunate position." Here a most blighting accusation was charged upon the people of the gentleman's own State, and yet the hero of New Orleans received, in 1828, the vote of Kentucky. I make no comment upon the fact, but merely entreat the gentleman to reflect upon what his own Commonwealth did, before he asserts that Ohio will abandon the hero of the Thames and of Tippecanoe.

Sir, I regard the paternal care that the gentleman has seen fit to feel for Ohio as gratuitous; we ask none of his assistance in the management of our internal concerns, nor have we so far degenerated as to invoke aid from any State, North or South, to control our political opinions. We feel a debt of gratitude, that we can never repay, for the protection our territory received from our Kentucky brethren, from its infancy until the close of the late war; they poured out their blood for us, and the character, the value, the perpetuity of all our institutions they have contributed not only to establish, but to their disinterested sacrifices we are essentially indebted for each and every of the blessings we now enjoy.

But the rewards nor the punishments, the gold nor the cunning, of selfish, heartless, and reckless politicians, can affect the people of Ohio: they know what is due to themselves, and are not unmindful of what is expected from men who have not yet passed under the yoke of party. In the freshness, the vigor, and generosity of their feelings, they may sometimes admit, from kindness, what could never be extracted by fear, or obtained by fraud; but they will never, I must assure the gentleman, and all others who may calculate the chances of political warfare, permit themselves to be regarded as a marketable commodity, to be bought or sold in the shambles of any party. Sir, my constituents, and I feel that I speak but the sentiments of my State, are not to be bound, and cast into the furnace; they will never suffer their strength to be shorn, nor their souls to be fettered: they know the siren voice of the political Delilah, and spurn the shackles, ay, the golden shackles, of modern times, as the strong man of old burst the bonds of ancient treachery. Yes, they have gained from his example a useful lesson—they never will suffer their moral vision to be so far obscured as to "grind in the prison-house" at the behest of any master; and, more than all, they never can become so degraded by the influence of office, or of power, that when deprived of all self-respect, humbled, disgraced, and contemptible, the mere sport and mockery of unprincipled leaders, the only privilege which remains will be to pull down the pillars of the constitution, that all may perish in the wreck.

I make no comparison between the candidates for the next presidency; that task I leave to others; I am contented to rest the whole question with the American people; my object is that of defence, not of attack. I have attempted to perform the office of an American citizen, not of a political partisan; and such, I trust, will ever be my conduct while I hold a seat upon this floor. I am content to act out my part in this forum, and shall not descend into the arena to mingle in the gladiatorial strife of contending factions—it is unworthy the representatives of a free people, and lessens our own self-respect. Sir, in the amphitheatre at Rome, did the Senator contend with the Numidian lion or the Asiatic tiger? No; that duty was left to the subjected Thracian—the field of public honor was the Senate-house. Let us profit by the example.

When, Mr. Chairman, General Harrison expressed himself in the language to which such exception is taken, it was truly a period of darkness and dismay. The whole frontier of Ohio was threatened by the enemy, confident in their strength, and proud with recent success; the people had been harassed by toil, and borne down by privation: to use the eloquent language of Ames, "in the day-time their path through the forest was ambushed, and the darkness of midnight glittered with the blaze of their dwellings—when, were they fathers, the blood of their sons fattened the corn-field—when, were they mothers, the war-whoop awoke the sleep of the cradle." Yes, it was an hour when

> "There was silence still as death,
> And the bravest held his breath
> For a time."

Under the excitement of such a scene, impressed with the necessity of prompt and energetic action, and realizing the weight of the responsibility which rested upon him as controlling and directing the defence of that extended territory, General Harrison did not disguise his sentiments; and, sir, they were such as had often been more strongly expressed by the most distinguished and beloved commanders in our service. Sir, the people of Ohio fully understood the character of their defender, and appreciated, with impartial justice, the course he pursued; and, with a full knowledge of all the "alleged injustice" which the gentleman from Kentucky insists had been done to them, they still volunteered under their former leader, and crowded by thousands to his banner. Until their frontier was finally rescued from danger, and victory crowned our arms at the Thames, the citizen-soldiers of that noble State followed the fortunes and participated in the triumphs of William Henry Harrison. It is not for me to express, even in guarded terms, any opinion as to the future course of the freemen of Ohio, when they are called on to exercise a solemn political duty; they know their privileges, and will preserve them in their purity; they need no foreign counsel to assist their judgment, and will never submit to any dictation. I leave with them the keeping of their own consciences, and I will answer for it, they will do nothing unworthy the name or the character of independent American electors.

Sir, I must be permitted to say, in justice to the old and tried friends of the President, that no sentiment is uttered by them, so far as my knowledge has extended, but of kindness and honorable feeling toward that distinguished citizen, whose well-earned fame I have, in my humble manner, essayed to sustain. They regard that fame as the common property of the whole country, as a page upon the annals of the Union, to obliterate which would be to blot out a part of our common history. But, Mr. Chairman, the late converts to the party, those who, like the followers of a camp, have never fought for victory nor exposed themselves to defeat, who have made no sacrifices, nor given a word of cheer in the hour of trial—in their zeal for future promotion, and in the hope of swelling the roll of the faithful at another period—these, sir, vulture-like, have sharpened their beaks

for this carnival of blood. From such enemies General Harrison has nothing to expect; let me tell them, he has nothing to fear. Such enemies, if in the great political conflict that is soon to be fought, whether defeated or successful, would, in their appetite for the spoils, strip the dead and the wounded of their own army ere they left the battle-field. I must acquit the gentleman from Kentucky from the suspicion of being a late convert; he has always been, I am assured, a decided, a devoted friend of the present Executive; and I could not have expected that he would have pursued the course he has, from the estimate I have formed of the generosity of his character. Even now I regard the observations he has made as the result of impulse rather than reflection. He is yet young, the frost of age has not yet whitened his brow, nor time's wrinkles furrowed his cheek; but the hour will come, when, in the solitude of his own mind, he must look back on the scenes of the last few days; when, perchance, the prattling child upon his knee will read the record of this House, and ask why it was that an old war-worn soldier became the object of so much censure. If the gentleman can then reply to such a question in the same spirit he has spoken on this floor, I shall be disappointed in my estimate of human nature. We are told by the Irish bard, who has but unveiled the heart, that there may be

> "A fatal remembrance, a sorrow that throws
> Its bleak shade alike o'er our joys and our woes;
> O'er which life nothing brighter nor darker can fling,
> For which joy hathno balm, and affliction no sting."

But, sir, the gentleman has not the merit of originality in his censure: the epithets he has used are not of modern growth; they have been dug up from the ruins of former attacks; their form is not new, nor is their point even improved. And at the present time, the ground is preoccupied by a citizen of New York, who has, in the decline of his life, and the bitterness of his disappointed ambition, scattered his arrows with an unsparing hand; but he cannot reach his mark. Better had it been that he should have rested satisfied with his Newburg letters, and the memorable resolution of his brother officers, passed at New Windsor on the 15th of March, 1783; better even would it have been that he had been content with the tribute which is paid to him in the "Memoirs of Wilkinson;" and still better, had he remained satisfied with all the military honors which were gathered in such profusion when this Capitol was in flames, and the archives of our republic plundered by a foe whose step should never have profaned our soil. I know not why at this juncture there is such a resurrection, not of what elevates and honors the country, but rather tends to degrade it. It is not for me to assign the motive why the meridian of Albany is selected as the place of attack, of trial, and of execution. I leave the solution of this question with those who may be in the secret, and ask them to account for the strange coincidence between the publication of the "Sketches" and that of another work, at Hartford, professing to be the biography of a distinguished politician. Sir, are praise and censure, flattery and abuse, to be mingled up to gratify or improve the public taste; or is it that no political elevation can be hoped for until every rival is disposed of, no matter by what means?

Mr. Chairman, it does not become me to ask who it is that has conjured up from the dead, like the sorceress of old, this haggard skeleton of buried slander; whose magical wand has beckoned this ghost from the realms of shade. I knew that sea and land would be compassed, but I could not have believed that even the most devoted partisan would have wandered upon the banks of Styx, and held communion with shadows! I see, now, that fancy and fact are alike to be used; that the weapons of party warfare are not selected by any known rule, but are chosen at random; and he who employs them most dexterously is regarded as an adept in political tactics. Sir, the doomed victim must be laid low, and whether he falls fighting on the last battlement of freedom, or, like the bird of Jupiter, the shaft which is to pierce him is to be winged by a feather from his own pinion, it is all one, the sacrifice must be made.

Sir, before I conclude, I must be permitted to recur to the early history of Ohio, to which I have already once alluded. It was when that now populous State was an unbroken forest, when her now fertile soil was untilled, and the stars of heaven shone upon the solitude of a trackless wilderness, that General Harrison, then in the flower of his youth, left the home of his infancy, the comforts, the pleasures, the consolations of family and friends, and united himself with the army of the Northwest, immediately after the defeat of St. Clair. It was no momentary impulse which prompted him to cross yon rugged mountains, and hazard his life in an enterprise where none but his immediate associates could witness his valor—and, if he fell, none but his fellow-soldiers could perform the last sad offices of friendship. It was but the germe of that chivalric spirit, which, in after years, expanded in all its fulness and power, and in the midst of trial, and doubt, and danger, whether cheered by the voice of friends, or assailed by the bitterness of enemies, has proudly sustained him.

Sir, in December, 1793, Harrison, then a lieutenant, was despatched with other officers, by General Wayne, to take possession of the battle-ground of St. Clair. The duty was performed, and the remains of more than six hundred brave men, who fell in that bloody rencounter, were collected together and honorably interred. Upon this spot Fort Recovery was then erected, which afterwards became celebrated in the annals of Western warfare.

In the decisive victory at the Rapids of the Maumee, in August, 1794, Harrison served as the aid-de-camp of Wayne, and received the most flattering encomiums from his commander. That victory was obtained under the guns of a British fort, against a savage force, led by warlike and talented chiefs, and aided by their British allies. Here our youthful soldier laid the foundation of that military skill which afterwards, on the same field, in the trenches at Fort Meigs, displayed itself in all its lustre. The siege of that fortress is a bright era in our annals; it was there the militia of Ohio behaved like veteran soldiers, and acquired imperishable honors; it was there the intrepid Kentucky volunteers came to the rescue, and freely poured out their blood. Sir, there is a tie of brotherhood between Ohio and Kentucky, that cannot, that must not, be severed; we have been joined in solemn, in holy fraternity, by all that is precious in self-sacrifice, and all that is lofty in gratitude, and no time, no change, must sunder us.

Mr. Chairman, I feel that I should conclude my remarks: the deep, the kind attention of the committee, for the long period I have trespassed upon their patience, demand my sincere acknowledgments; and they are, let me assure them, freely bestowed. Sir, I have no time to detail the civil services of General Harrison; it is no part of my purpose to do so, though the materials for a proud exhibition of all the qualities of the statesman are at hand; they are ample, they are, I can assure the gentleman, already known to the people, and will become more familiar as that people, rising above party trammels, shall review the history of the past, with the freedom that belongs to every patriot citizen.

The reputation of the American soldier is the property of the whole Union: no portion of this wide confederacy can exclusively appropriate it. "Far as the winds can waft, or billows roll," every true American will claim

an interest in the fame of those who have conferred glory on his country: there is no clime so barbarous, no Government so despotic, but has heard the story of our triumphs; and in the darkest hour of human liberty, when, under the rule of the Muscovite, or the tyranny of the Turk, the heroic struggles against power have been crushed, and the energies of the soul subdued, the last hope of freedom in the old world has been kindled at her altar in the new. Let us, sir, preserve the temple, and the flame that, like the eternal fire of the vestal, should burn there forever. Let us not anticipate that fearful period when our land shall present an unbroken scene of "darkness" and of "gloominess;" when, like morning spread upon the mountains, our sky shall be hung in blackness. We live in a momentous era, and on us is imposed a tremendous duty: if we are faithful to ourselves, our country, and our God, our Government will still go on as a giant in his strength; but if we are recreant to our solemn obligations, and in the paltry strife of party disregard the claims of those who have nobly struggled to sustain our republic, then, sir, the pillars of our political edifice are already shaken, and, ere long, the proud, the once glorious structure, will fall to the dust.

When Mr. Storer had concluded,

Mr. LAY moved that the committee rise; but, on suggestion, withdrew the motion.

The question was then taken on the amendment proposed by Mr. Bell, and carried in the negative, without division.

Mr. WHITE, of Florida, moved the following amendment:

"For wharves and their appendages at the navy yard at Pensacola, one hundred and fifty thousand dollars.

"For powder magazine, seventeen thousand dollars.

"For wall or enclosure of brick, three yards high, and a half yard thick, twenty-four thousand dollars."

Mr. W. said: In rising, Mr. Chairman, to support the amendment just read, no one can be more sensible than myself of the embarrassment I labor under in presenting a proposition to amend a regular appropriation bill, with new provisions never reported upon by the Committee of Ways and Means, and reported against by the Committee on Naval Affairs.

With these fearful odds against me, and with the strong disposition not to violate usages which have been found useful in practice, I yet have a confidence in the success of the amendment I offer, founded upon the justice of the proposition, addressed, as it is, under discouraging circumstances, to the intelligence and patriotism of the House.

I know that a proposition to amend a regular appropriation bill, for carrying on any one of the great branches of the public service, is received with a very bad grace from all sides of this hall; and there must be powerful considerations recommending it, to justify a departure from practices long and justly established.

The reason why these bills are not encumbered with additions and amendments is, that they are intended to carry on public objects already sanctioned by law, the policy of which has been decided in our previous legislation. It is upon this ground that a bill to establish new forts, or to improve new harbors, is never incorporated in one for the completion of those which have been before commenced, the necessity and policy of which have been sanctioned by law. There is wisdom as well as convenience in this rule, superadded to which is the obligation of precedent.

There is still another embarrassment, the force of which I feel, perhaps, more strongly than the one to which I have just adverted; and that is, the general distrust that is always felt in this House of every proposition presented to it, without a previous examination of, or with an adverse report from, a standing committee.

The desire universally felt to promote the interests of the particular district represented by each member, and the partiality with which every object of improvement is viewed by himself, and perhaps no one else, admonishes me that a clear and strong necessity should be shown for what is proposed. I do not claim an exemption from that feeling of partiality for the interests of the country I represent, which may, and perhaps does, incline me to look with a too favorable prepossession upon every object of its improvement. No man on this floor has greater reason to feel that partiality to generous, confiding, and indulgent constituents. They deserve every thing at my hands which either the feelings of gratitude or the obligations of duty can claim from a representative. Even if there were not the considerations of policy, which so powerfully recommend the amendment I have offered, I confess that my inclinations lead me always to propose whatever may tend to the individual happiness and general prosperity of Florida.

I proceed to the amendment. This is not a new object, the policy of which is doubted, and which, on account of its novelty, ought to be included in a new bill. The question whether there was to be a navy yard in the Gulf of Mexico was decided twelve years ago by Congress. In a memorial of the first Legislative Council of Florida, addressed to the President of the United States in 1822, this subject was brought before him in a manner which induced him to send it to Congress in a special message; and, at the session of 1823-'24, Congress passed a law to establish a navy yard in the Gulf of Mexico, at a point to be selected by the President, upon the report of naval officers. A survey was directed; and the officers detailed by that accomplished statesman and scholar then at the head of the Navy Department were Commodores Bainbridge, Warrington, and Biddle; names which belong to history; compared with which, some of the present dry-rots of the navy are utterly insignificant.

These officers selected Pensacola for this naval station; and their report was approved, in 1825, by the President. In 1827 it was decided that it should be a yard of repairs and construction, and a marine railway was provided for in the act for the gradual improvement of the navy. This was intended to be followed by a dry dock; but, from the 4th of March, 1829, up to the period when Admiral Mackau was reported to be moving towards Pensacola, nothing has been done. It exists only in name. Eleven years after the establishment of a navy yard, they cannot repair the long-boat of a man-of-war. Secretaries have appeared and disappeared, in this changing administration, and no one has remained long enough to prepare or execute a plan. We have been put off, from year to year, by promises that they were just on the eve of a great plan. The President says it is the fault of Congress, and Congress says it is the neglect of the Executive. The gouty old commodores cannot visit the yard, and, with the imbecility of old age, will not trust the younger and more enterprising officers. To whatever cause it may be ascribed, there is a result highly injurious to that country, and to the whole region bordering on the Gulf of Mexico.

The bill, as reported, grants sixty-four thousand dollars for this navy yard. I propose to add to this, one hundred and ninety-one thousand, for the objects mentioned in the amendment. Two of them explain themselves. For wharves and their appendages, I must refer to the letter of the Secretary of the Navy. I suppose these wharves are to be constructed of stone, and as far out as twenty-six feet water in the bay, forming basins, and serving as breakwaters. Of this, however, I do not profess to know much, and suppose the Secretary knows very little more. The appendages may be hydraulic contrivances, sheds, or any other improvements; for it

appears that neither he nor the Navy Commissioners know what they want, or what the yard requires. We have a man there now, as commandant of the yard, who is one of the most accomplished officers in our service, who will employ this sum, as the captain of engineers will that for deepening the bar, for the best interests of the country. If he be permitted to execute his own plans, we shall have a navy yard in the Gulf of Mexico worthy of this great country, and suited to the protection of ten States, whose commerce of exports and imports finds its way through these waters. For myself, in the absence of that "detailed information" spoken of by the Secretary of the Navy, and aided by an intelligent friend, I have made up such an estimate as every officer and statesman will see is required to put this navy yard upon the footing that its geographical position and the interests of the country require.

These amendments I will read, but cannot offer to this bill, because of the rule before referred to. I would have, then, the following:

"For improvements at Pensacola navy yard, by which said yard shall be placed on a footing with the north Atlantic navy yards—

"Amount proposed by Board of Navy Commissioners for a navy yard at Pensacola, sixty-four thousand dollars.

"For two storehouses, forty thousand dollars.

"For wall of enclosure of brick, twelve hundred yards long, three yards high, half yard thick, two thousand four hundred cubic yards, at ten dollars per yard, twenty-four thousand dollars.

"For one ordnance shed, five thousand dollars.

"For one ammunition store, twenty thousand dollars.

"For one mast house, six thousand dollars.

"For one timber shed, four thousand dollars.

"For one timber dock, on Grand Lagoon, in the rear of the yard, six thousand dollars.

"For one sail and rigging store, fourteen thousand dollars.

"For one additional smithery, ten thousand dollars.

"For wharves and appendages, one hundred and fifty thousand dollars.

"For fixtures for building and launching of vessels, twenty thousand dollars.

"For three ship houses, ninety thousand dollars.

"For barracks for the ordinary of the yard, for petty officers, &c., fifteen thousand dollars.

"For enlarging the hospital to double the present size, seventy-five thousand dollars.

"For house for assistant surgeons, fifteen thousand dollars.

"For enclosing hospital with brick wall, fifteen thousand dollars.

"For two cisterns or reservoirs, to be placed near the wharves, for supplying ships with water, together with leading pipes, conductors, hose, &c., forty thousand dollars.

"For marine barracks within the yard, one hundred thousand dollars.

"For boat house, &c., five thousand dollars.

"For collecting the necessary timber and materials for the construction of three frigates, three sloops, three brigs or schooners, and two steam batteries, two hundred and fifty thousand dollars.

"For sundry contingent fixtures for building, repairing, outfitting, refitting, and laying up vessels of war, not enumerated above, but which may be requisite for that object, one hundred thousand dollars.

"For general improvemement of the yard, fourteen thousand dollars."

There is not in this list an item too much. It must be remembered that this navy yard is situated about midway between the Sabine, our northwestern, and Cape Florida, the southeastern border of the Gulf of Mexico, within one day's sail of the mouths of the Mississippi, which pour out into this *cul de sac* the productions of a region four thousand miles in extent, of unparalleled fertility, now "rising into destinies beyond the reach of mortal eye;" situated, too, within four hours' sail of the outlet of a State shipping now two hundred thousand bales of cotton, and on a bay destined itself to become one of the artificial mouths of the Mississippi, and to command a large portion of the trade of the State of Alabama. No one has ever seen this beautiful and delightful bay without admiration; no military or naval officer of science has ever visited it without seeing, at a glance, its immense advantages as a great military and naval arsenal and depot. The bay itself is not inferior to that of Genoa or Naples, and the climate quite equal to either. The House will, I trust, pardon me for referring to what has been said of this town and harbor, which is destined to be to the Mississippi what Alexandria was to the Nile.

As early as the year 1763, the bay of Pensacola was thus spoken of by a distinguished English traveller:

"The road of Pensacola is one of the best in all the Gulf of Mexico, in which vessels can lie in safety against every kind of wind. The bottom, which is sandy, mixed in many places with ooze, is excellent for anchorage; the sea is never agitated here, because the land surrounds it on every side. It is capable of containing a great number of ships, as may be judged from its extent, and by the soundings which the figures in the plan exhibit in feet—a measure more exact than if measured by fathoms."

As early as the year 1771, that sagacious statesman, the Earl of Hillsborough, suggested to the British ministry the necessity of forming an inland communication, by the Iberville and lakes Maurepas and Pontchartrain, to Pensacola bay. It was then foreseen that the possession of this post was to command the Gulf of Mexico, and to protect the commerce of the Mississippi; and if Great Britain had continued in possession of West Florida, which was severed from her by Spain in 1781, the bay of Pensacola would have been, what it ought now to be, the outlet of one half of the commerce of that great river. The Governor of West Florida, in a letter to the Earl of Hillsborough, in the year 1771, says:

"If Great Britain should at any time declare war against Spain, the communication with the Mississippi, by the Balize, would be impracticable while they kept possession of New Orleans. But I am informed that the communication with the Mississippi, by the lakes Maurepas and Pontchartrain, into the river Iberville, is very practicable for small vessels carrying about two hundred barrels of provisions, provided the Iberville was cleared of logs that now stop the passage; and it is said that a canal may be cut to let the waters of the Mississippi into the Iberville, from a point above Fort Bute, on which the Mississippi strikes with great violence. The communication may be either through the Mississippi or the river Iberville; which last, and so through the lakes, may be made easy, at no great expense, for small vessels drawing five or six feet water, and for such would be preferable to the communication by the Balize. If the establishment of this town is approved of, it will be necessary to give the inhabitants some protection; and, in the plan, four redoubts and brick block-houses are proposed, which should be supported by troops. Mr. Durnford's observations on the river Iberville are, 'that the logs which were formerly cut have sunk.'"

Again, the Governor proceeds:

"Were the logs removed, the body of water issuing into the channel from the Mississippi might annually deepen it, and more especially if the proposed cut should be made; as the Mississippi water would then enter into this river with a far greater violence, and more than twice the quantity of water which now doth by the present channel, and is only eddy water, therefore cannot

act with great force, being also stopped by very considerable rafts at the entrance of the Iberville. When the Mississippi is high, the current is very strong, and will be greater if the canal is made. * * *

"I am confident that the great objection which has been raised to the settling of the Mississippi is, that a communication through the lakes cannot, at all times, be kept open between this place and that part of the country, except strong posts are erected upon the lakes, and at other places, to keep the communication open, or a more secure inland navigation can be discovered; as the inhabitants on that river, and their properties, would, in case of a war with Spain, fall as sacrifices to the Spaniards; but, should a rupture with Spain ensue, it is possible that the navigation and communication with the Mississippi, through the lakes, might, for a short time, be interrupted, unless they were established in proper places to keep the communication open."

To this communication of the Governor of the province, the Earl of Hillsborough thus replied:

"Whitehall, *December* 4, 1771.

"Sir: I have received your despatches Nos. 20, 21, 22, 23, 24, and have laid them before the King; and I am happy to find my endeavors to second your zeal to promote the welfare of the colony, in those measures which appear to me to have been well-calculated for that purpose, have been so well received. I think the settlement of those parts of the banks of the Mississippi which are within your government, and the opening (if practicable at an easy expense) a communication of that river with Iberville, are important considerations."

In the memorial of the Legislative Council of Florida, in 1822, the following views were presented to the President of the United States:

"A faithful topography of Pensacola and the adjacent country will demonstrate that it may be very efficiently protected from the inroads of the enemy by land. In the rear of the town, at the distance of about half a mile, the highlands are presented, upon which military works may be constructed to advantage, so as completely to command the whole space intervening between them and the bay; a single fortification, strongly and judiciously built, would successfully bear upon the entrance into the town in every direction. There is, probably, no other station on the Southern coast which could be defended by land with so small a number of troops, or at less expense.

"Independently of the facility with which Pensacola may be defended, if reliance is exclusively reposed on regular troops, there are other prominent considerations which powerfully recommend it to the attention of the General Government. This results from its immediate connexion with New Orleans, and its contiguity with most of the States on the Mississippi river. In cases of emergency and invasion, should it become necessary to call the aid of the militia for the protection of this place, they can be readily obtained from Louisiana, Mississippi, Kentucky, Tennessee, and Alabama: owing to an advantage from a water communication, they may be conveyed to Pensacola in a short time, and, comparatively, with small expense to the General Government."

In the year 1826, the board of engineers of the United States, at the head of which was General Bernard, made a report, in which, after some preliminary observations, they say:

"Thus, situated as Pensacola bay is with respect to the country on either hand, and the immense regions behind, its rare properties as a harbor become of inappreciable value. Some of these properties we will enumerate: 1st. It is accessible at low water to the largest class of sloops of war and small frigates; and, as the bar is narrow, may perhaps be made to admit still larger vessels. 2d. Its bar is near the coast, and the channel over it is straight and easily hit. 3d. It is perfectly land-locked, and has a very capacious roadstead. 4th. It has excellent positions for repairing, building, and launching vessels, and for docks and dockyards, in healthy situations. 5th. It has abundance of good water for the supply of vessels. And, 6th. It is perfectly defensible.

"As these and other properties, in conjunction with its situation as respects the coast and the interior, have induced the Government to fix upon it as a naval station, and a place of rendezvous and repairs, we shall, for the future, consider it in that character, both in its relations to the commerce of the Gulf, and its own proper defences."

Commodore Rodgers, in a letter, in 1828, says: "That nothing has occurred to induce them (the Navy Commissioners) to believe that any other can be found on the Gulf of Mexico, for a naval establishment, combining the same advantages as Pensacola."

That excellent officer, Commodore Ridgely, who commanded that station in the years 1826, 1827, 1828, and 1829, speaks of it as follows:

"The incalculable advantages that would accrue to an enemy, capable of taking and holding Pensacola, and making it a rendezvous for a blockading squadron, stationed off the mouths of the Mississippi, will prove the necessity of immediate fortifications."

Again: in speaking of the health of the station, this commodore says:

"The salubrity of Pensacola is as good as any portion of the globe I have been in; and when, from local causes, the yellow fever showed itself, and committed some ravages in 1826, not a single case of that disease, or any other, (the effect of climate,) was produced on board the ships of the squadron."

I make two further extracts from official reports and letters of officers of the navy. Lieutenant Gedney says:

"The bay of Pensacola, as a harbor for men of war, is not surpassed by any in our country, (not even Narraganset bay;) it is completely land-locked, and, of course, sheltered from all winds. That Pensacola yard is as well adapted for a building yard as any on our coast, there can be but little doubt, from its proximity to large quantities of live oak and other ship timber. I speak from actual observation. In the year 1831 I made a report to the honorable the Secretary of the Navy, giving him an exact statement of the quantity of live oak I had examined west of the Mississippi. I allowed thirty cubic feet to the tree, and I reported sufficient to build eighty ships of the line."

I must be pardoned for reading a larger extract from Slidell, a man who is destined to adorn the literature of his country as well as its naval service:

"As it respects susceptibility of defence, which is of course a very important consideration, there is no harbor in our country superior to Pensacola. It consists of a deep bay, reached through a very narrow entrance of a few hundred yards; whilst the main land of Florida lies to the west, the island of Santa Rosa forms the eastern barrier. Upon the point of this island, and nearly on a level with the sea, stands the castle which is to defend its entrance, and which is amply competent to repel any invading force. It fortunately happens that this castle is the landmark for which vessels have to steer in order to procure the best water in crossing the bar. In this situation, while their own batteries are masked, they are of course exposed to a raking and fatal fire from the castle. Should a ship succeed in sustaining this fire long enough to reach the narrow entrance of the port, she will then be exposed to a more deadly cannonade, as she will have to pass immediately under the guns of the castle. Even without the additional fort, which it is in

contemplation to erect opposite the point of Santa Rosa, the engineers engaged upon the works consider them already impassable, and the destruction of an enemy's fleet which should attempt to force the harbor inevitable.

"Just within the entrance of the harbor, and convenient to the sea, stands the navy yard, in a cool and salubrious situation; its white and symmetric buildings making a beautiful appearance against the back ground of trees. In passing this point, Pensacola bay opens suddenly upon you, expanding into one of the most capacious and beautiful basins in the world. A sheet of bright green water is seen stretching far inland, skirted, like the lower waters of the Hudson, by many a projecting cape, played upon by the sunbeams, and rippled and animated by the fresh trade breeze of the tropics, while the horizon on every side is bounded by the deep verdure of the noble oaks and other forest trees, framing and completing the picture. While this bay is accessible even for large ships for many miles into the interior, it is fed by several navigable streams, which already send supplies of every kind from an abundant back country, and which, as internal development goes on, will serve to pour forth a hardy population for the defence of the coast.

"Pensacola possesses the inestimable advantages of perfect salubrity at all seasons of the year, and exemption from all malignant diseases of domestic origin. The market is at all times well and plentifully supplied; and ships may already procure there, at as cheap rates as any part of the country, meat, poultry, land and water tortoises, the finest fish, vegetables, and fruits—every thing, in fact, that can promote the refreshment of a fleet. The bay and coast abound with the finest fish, and a boat and seine may in a few hours procure a sufficient meal for a whole ship's company. Water is procured with ease, and of the finest kind, in a river which disembogues beside the town. It is upon the banks of the same stream, where a tropical sun, quickening vegetation, has furnished shade against its own ardor, that the naval hospital stands; a delightful residence, situated upon a gentle eminence, and fanned by invigorating breezes from the sea. There the sick and ship-worn sailor may recruit his strength, and, roaming about the woods, or reclining under the shades of oaks and sycamores, drink in health with the thousand fragrant ordors of this land of flowers."

I will read one extract from a letter from Commodore Morris, dated 20th January, 1836:

"Having always considered Pensacola as destined to be one of our most important naval stations, I shall cheerfully promote the improvements in the navy yard at that place, so far as may be consistent with my official duties."

In addition to this, let us see what the Secretary of the Navy has reported, so late as the 12th of February, after the first impression created by the intended visit of Admiral Mackau:

"In addition to which, there are the following estimates for Pensacola:

For wharves and appendages, - - -	$150,000
Hydraulic dock, - - - - -	125,000
	$275,000

Making the whole of the estimates for Pensacola, for the year 1836, $356,000.

"If to this we add $146,960, deemed necessary, as before stated, for deepening the bar, it will amount, in the whole, to $502,690.

"It is believed that, for this sum, the harbor of Pensacola may be rendered a safe and commodious station for the purposes of our navy, and a convenient place for building and repairing our vessels of war."

Is there a member on this floor who will hesitate to vote half a million of dollars to make this a "commodious station for building and repairing vessels of war?"

Sir, I never have appealed to parties, political or geographical, in this House, and I never intend to do so. I will, however, ask those gentlemen who habitually support this administration, how, in the face of this recommendation from the head of a Department, they can refuse my amendment, whether it finds favor in the Naval Committee or not?

I ask, too, those gentlemen representing the valley of the Mississippi, the great States of Ohio, Kentucky, and Tennessee, the protection of whose commerce depends on this navy yard, whether they will vote for what this Secretary recommends for six Northern navy yards, and stop short at one equally important with all them? I am sure I need only appeal to the patriotism and justice of those who represent the States where these yards are located.

The people of this country will never consent that the live oak shall be cut on the coast of the Gulf of Mexico, and manufactured into vessels, as our cotton is into cloth, in the Northern States.

The Secretary of the Navy who held that station from 1824 to 1829, with so much usefulness to the service and honor to himself and his country, proposed, as early as the year 1827, to make this naval station a yard of construction and repairs; and, that no delay might be experienced in making it answer the great objects of its establishment, he proposed a marine railway for small frigates and sloops, until a dry dock could be constructed; and if he had not left that station, we should now have seen at Pensacola a navy yard suited to the just expectations of a country, as he has forcibly expressed it in an enlightened report, extending from the "Rocky Mountains to the mouth of the Mississippi, and from the Alleghanies to the Gulf of Florida." That act of 1827, though revived in 1833, has never been executed; and, with all the exertions I have been making for seven years, the attention of the Government was only attracted to this subject by the prospects of a French war.

Every gentleman must see that every respectable naval Power in Europe has possessions in the West Indies, and that, in the event of war, its theatre will be the Gulf of Mexico, and its object the commerce of the Mississippi. No sensible man can close his eyes to this fact, and no patriot can disregard it. I am glad to see that the Western country now begins to look, with that forecast and intelligence which characterizes its population, to the establishment of a great military and naval arsenal and depot for the protection of their increasing commerce. "Coming events cast their shadows before them;" and the day is not distant when Pensacola must be to the West and South what New York is to the East and North. In the present state of the imbittered feeling in Mexico towards this country, if that greatest of national calamities, a war with France, had been brought upon us, what would have been our condition, with France in possession of Vera Cruz and the castle of San Juan de Ulloa? If, too, added to this, that powerful nation, availing itself of the alliance with her Catholic Majesty's Government, had sought an asylum at Havana, or had used another castle which has been compared with Gibraltar, who does not see that our whole trade would have been effectually locked up in the Gulf of Mexico?

Whether the bar can be deepened or not, we must make it a yard of construction and repairs. The public service requires it, and the interest of the nation, protected and promoted by Congress, will force those whose duty it is to prepare estimates and project plans.

A dry dock is as necessary for sloops of war and frigates as for ships of the line. Inclined planes, railways, and hydraulic docks, are mere temporary conveniences. The Senate have passed a bill for a dry dock. This is attempted to be postponed until the experiment is made to deepen the bar. I wish gentlemen distinctly to un-

derstand that the one does not depend on the other. I know the opinion is suggested that the one must be postponed for the other. No naval gentleman, in this country, will hazard his reputation by saying that a dry dock is not better for frigates and sloops of war than hydraulic docks and marine railways.

I know that it is very difficult to get information from the Navy Department at present, and that one might as well "call spirits from the vasty deep." They say, and say truly, that they have no plan; and why have they none?

If it requires eleven years to make a plan, how long will it take to make a navy yard? Sir, I have observed that, in these distant places, and especially those located in districts having no political power, unless some such spirit can be aroused as, I trust, now exists as to this station, we should never have a plan. If an appropriation is not made, Congress is reproached; if Congress propose one, there is no plan! and the money cannot be expended! These are the pretexts. Let us give the money; and if it be not expended with the feeling which prompted the grant, institute some other more efficient mode of carrying on the public works.

I have said that Congress have decided that there shall be a navy yard at Pensacola, whether the bar is deepened or not. On the subject of deepening a bar, we have some crude speculations against the opinions of competent engineers, such as Chase and Bernard. A Roman emperor constructed a harbor where there was not even an indentation of the coast, in the Mediterranean, near the mouths of the Tiber two thousand years ago, which still exists, and is used for men-of-war; and shall we hesitate or doubt about deepening a bar a few feet of one of the finest natural harbors in the world? It has been justly a matter of astonishment to all foreign officers that the bay and harbor of Pensacola should have been so much neglected. We have seen that, if it had remained under the dominion of Great Britain, it would have been the outlet of the Mississippi. The same thing was experienced here, eight or nine years ago, in procuring an appropriation for the commencement of the fortifications of Pensacola. The plans were not ready; another year, the plans were changed; and, at last, (what never occurred before,) this House, by a peremptory resolution moved by me, ordered the Secretary of War to prepare the plans and commence the works.

The engineer department was fortunate enough to get an officer of uncommon energy and talent; and these works have progressed with a judgment and vigor corresponding with the policy which dictated such a strong measure in giving them an impetus.

We have now, at the navy yard, just such a man, to carry on the works in his particular department.

Some gentlemen have expressed fears that such large sums cannot be judiciously expended in one year, and that laborers cannot be procured; and, doubtless, the Naval Committee were under this impression in reporting against these items.

It must be observed, in the first place, that a large portion of materials must be brought from a distance. The stone will, probably, have to be brought from the falls of the Chattahoochie; the dredging machine from the North. So far as timber, brick, and laborers, are concerned, any quantity can be obtained. There is no part of this continent in which a larger, cheaper, or better supply of timber and bricks can be furnished than at Pensacola.

Objections have also been made as to the expenses of public works at this point. These are entirely fallacious. There is not a navy yard in the whole Union where the average price of labor is so cheap as at Pensacola: there is not a fortification in America which has been constructed at such small cost to the Government as that of Pensacola. Indeed, I have it from the best authority that the public works there have cost twenty per cent. less than at any other point. The reason given is obvious. The public works to the North are suspended, in consequence of the rigorous severity of their winter climate; and those on the Mississippi are suspended in summer, on account of the pestilential visitations of disease. At Pensacola, owing to the mildness of the winter, and the salubrity of its summer climate, the public works are continued throughout the year. It is a remarkable fact that in the two British regiments stationed at that place, during the twenty years Great Britain owned the Floridas, there were fewer deaths than in any regiments in the British dominions. We have seen the same thing in the cantonment of our troops, called there from northern latitudes. There is a great error prevailing on the subject of climate in the Southern States. The flat lands, from the Chesapeake to St. Mary's, on the Atlantic coast, are unhealthy; and the inundated lands in the valley of the Mississippi more so: and, from a knowledge of these facts, our whole country is set down, without discrimination, as being equally so. Nothing is more fallacious. You might as well argue that Montpelier, in the south of France, was unhealthy, because the rice districts of Piedmont were so, being in the same latitudes. From Mobile bay, eastward, for two hundred miles, we have, on the north coast of the Gulf of Mexico, a high, rolling country, of primary formation, visited daily by sea-breezes and tropical trade winds. Volney, in his views of the United States, predicted that the high lands of the Gulf of Mexico would be the healthiest part of this continent.

I have thus, sir, imperfectly given some of the reasons for the amendment I have offered against the report of the Committee on Naval Affairs. This, with the bill from the Senate, will involve an expenditure, for the navy yard and its appendages, of half a million of dollars for the year 1836; and what is half a million of dollars for a place which, from this period, must be considered, in our system of maritime defence, first in rank? Whether we look to its geographical position, or to the immense back country, with the various internal improvements of canals and railroads, it must be regarded as the first point for military and naval defences in our whole country.

The Treasury is now groaning with the accumulated treasures of the people, and no period was ever so propitious for placing the country in an attitude of defence as the present.

I have seen the navy yards of Plymouth, Portsmouth, and Woolwich, in England, and those of Brest, Toulon, and Marseilles, in France; compared with which, our miserable, ragged establishments would hardly be considered appendages; and I trust that we shall now put our public works on a footing corresponding with the increasing population, resources, and power, of this great and growing nation.

When Mr. WHITE had concluded,

Mr. WISE, Mr. JARVIS, and Mr. PARKER, participated further in the debate; after which, the question was taken on the amendment, and decided in the negative.

Upon motion of Mr. CAMBRELENG, the committee then rose, and reported the bill to the House, with certain amendments; when, on motion of Mr. C.,

The House adjourned.

THURSDAY, APRIL 7.

INUNDATED LANDS.

Mr. HARRISON, of Missouri, from the Committee on Public Lands, reported the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That

the Secretary of War be, and he is hereby, directed to cause to be surveyed, by a sufficient number of competent engineers, the inundated lands on the Mississippi river, the Missouri, the St. Francis, the Arkansas, and Red rivers, and that he report to Congress, as soon as the same is done, the practicability of reclaiming the same, and removing the obstructions from said rivers; the best mode of doing the same; the amount of money which it will cost to accomplish it; the quantity and estimated value of the lands that may be so reclaimed; and the effects which such works may have upon the health and prosperity of the country.

Mr. H. stated that the committee had estimated the quantity of inundated land at twenty millions of acres; but, to avoid any exaggeration, they had called it ten millions, which, at five dollars per acre, would amount to fifty millions of dollars. The expenses of reclaiming these lands the committee had estimated at two or three millions of dollars; but, in their calculation, they had allowed double that sum. There was not a doubt that the United States would realize nearly fifty millions of dollars from these lands, if they were reclaimed.

The joint resolution was then read twice, and committed.

DISTRIBUTION OF LANDS.

Mr. GRENNELL asked the consent of the House to submit the following resolution; which was read:

Resolved, That the Committee of Ways and Means be instructed to report a bill for the distribution, for a limited time, of the nett proceeds of the sales of the public lands among the several States of the Union, according to their respective federal population, as ascertained by the last census of the United States, with such reservations of land or money in favor of the States of Ohio, Indiana, Missouri, Louisiana, Mississippi, and Alabama, as may be just, equitable, and expedient.

Objections having been made,

Mr. GRENNELL moved the suspension of the rules, and thereupon asked for the yeas and nays; which were ordered.

Mr. WILLIAMS, of Kentucky, suggested that this subject was now before the House, and that a debate was pending upon it.

The CHAIR said the resolution would not be in order unless it contained matter different from that in the resolution on the same subject submitted by the gentleman from Kentucky, [Mr. WILLIAMS.]

The question being taken, it was decided in the negative: Yeas 63, nays 108.

WISCONSIN TERRITORY.

Mr. PATTON asked the House to go into Committee of the Whole on the state of the Union upon the bill for the establishment of the Wisconsin Territory, for the space of one hour.

Mr. CAMBRELENG objected, stating that he was very anxious to reach the business on the Speaker's table. There was a bill for the repeal of the 14th section of the United States Bank charter, which ought to be passed without delay. He had, he said, received some important information on that subject, which he wished to lay before the House.

Mr. MAY said it was of great importance that the bill for establishing the Wisconsin Territory should be passed, and the principal difficulty in regard to the subject having been removed, the bill would take but little time.

Mr. CAMBRELENG withdrew his objection, and, by general consent, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. SPEIGHT in the chair, on the bill to establish a Territorial Government in Wisconsin.

Mr. PARKER moved to strike out the clause granting 10,000 acres of land for the purpose of erecting public buildings for the use of the Government of the Territory, and substitute a sum of money.

After some debate, in which Messrs. PARKER, SEVIER, FULLER, HUNTSMAN, VINTON, PATTON, BOND, JONES of Michigan, HARDIN, TURRILL, HAMER, and REED, took part,

The question was taken on the motion to strike out 10,000 acres of land, and decided in the negative.

The blank was then filled with 20,000.

The committee then rose, and reported the bill, with sundry amendments.

The hour of one o'clock having arrived, the special order was called for.

On motion of Mr. JONES, of Michigan, the rules of the House establishing the order of business were so far suspended as to make the Wisconsin Territory bill the order of the day for to-morrow, from 11 o'clock to 1 o'clock.

NAVAL SERVICE BILL.

The House then took up the bill making appropriations for the naval service of the United States for the year 1836, reported from the Committee of the Whole, with sundry amendments, which were severally concurred in.

Mr. WHITE renewed the amendment offered by him in the Committee of the Whole, on the subject of the navy yard at Pensacola, and, after a few words in its support, he asked for the yeas and nays thereon; which were ordered.

Mr. CAMBRELENG opposed it, on the ground that it had not been referred to the regular standing committee, the Committee of Ways and Means, which was the ordinary course.

Mr. SPEIGHT understood the gentleman from Virginia [Mr. WISE] to state last night that the substance of this amendment was reported in another bill now before the Committee of the Whole.

Mr. WISE repeated, in substance, his explanation of the last evening, that there was a bill embracing the same objects; not in the same words, "for building a wall," but for constructing a hydraulic dock, which, of course, included a wall. They were not separate objects, but belonged to each other.

Mr. SPEIGHT hoped, then, the gentleman from Florida would withdraw his amendment.

Mr. JARVIS again explained that the items in the amendment had not been made up from actual surveys or statements, except one which came from a captain in the navy. The necessary estimates had not been furnished to the Department, nor was there a recommendation for them from the Secretary of the Navy. The additional bill embraced all that was necessary for the present year.

Mr. PARKER recited the provisions of the supplemental bill reported by the Committee on Naval Affairs, for removing the bar at Pensacola, $75,000, and for constructing a hydraulic dock or inclined plane, $125,000; objects entirely different from those contemplated by the amendment of the gentleman from Florida. He also quoted the letter of the Secretary of the Navy of 12th February last, and briefly supported the amendment, on the ground that the works contemplated by it were as indispensable as those approved of. He thought also that the House might act on the subject without waiting for the recommendations of the Department.

Mr. GARLAND, of Louisiana, supported the amendment. He remarked upon the extraordinary circumstance that, though the Navy Commissioners, some ten or twelve years ago, had recommended this station, and that recommendation was backed by the Secretary of the Navy, yet the time had not yet arrived when gentlemen would vote for appropriations to put it in a fit condition. There were not less than ten or eleven States

interested in it, and it was the only site on the whole gulf frontier, the most dangerous of all our seaboard, where a naval station could be constructed. It was also very remarkable that it was never introduced into the regular appropriation bills, but could only be reached in some supplemental bill, which might be lost, or in a Senate bill, which might not be taken up.

Mr. RIPLEY also supported the amendment, and gave a statement of the amount of commerce on the Gulf of Mexico, both domestic and foreign, to show the importance of a naval station of the first grade being constructed and kept up there.

Mr. GARLAND, of Louisiana, sent the following letter from Com. Dallas, to be read from the Clerk's table.

UNITED STATES FRIGATE CONSTELLATION,

Pensacola Bay, February 16, 1836.

DEAR SIR: You ask my views as to the necessity of a dry dock at Pensacola, and flatter me by supposing that an opinion, expressed by me, would have weight in obtaining an appropriation for that object. You are well aware of the views I entertain in relation to this position as a naval depot on the most extensive scale. Pensacola is, in my opinion, the only point south of the capes of Virginia at which any attempt should be made to that end. Other points there certainly are, where our commerce and the navy might find temporary relief from stress of weather, or from an enemy. Such positions no doubt could be found; indeed, are already known, viz: the Tortugas, for vessels of all classes, and Charleston, South Carolina, for sloops of war.

That a dry dock ought to be constructed at this point is and has been my opinion, ever since I first became acquainted with the harbor of Pensacola; but in connexion with this necessary work to the refitment of vessels, the bar at the entrance must not be neglected. A very trifling expenditure of money, in comparison with the object to be obtained, would, in my opinion, so enlarge and deepen it, that vessels having the greatest draught of water could pass at all times. I would also suggest that a hydraulic dock be constructed at once, for the repairs of frigates and sloops of war. This can be done and finished, while the other work is progressing. The materials for repairs are all at hand, and of the best kind; and when workmen shall be required, they will be found without difficulty, provided they be assured of constant employment.

Yours, very sincerely,

A. J. DALLAS.

Mr. PEARCE, of Rhode Island, remarked that the question was whether what was asked for was proper. The only valid objection which had been urged last night was, that no more money than was already appropriated could be expended at Pensacola; but if it could not be expended this year, it could the next. They should inquire whether the proposed works were required; and not only had no one urged an objection on that score, but the best practical evidence had been offered in their favor, by Commodore Dallas, by the Board of Naval Commissioners, by a former Secretary of the Navy, and by the present. He was in favor of the amendment; and if the amount appropriated should not be expended in one year, it could in two.

Mr. REED was disposed, as was the committee of which he was a member, to give as much as was necessary to Pensacola; he, himself, even to the amount of half a million; but he was opposed to appropriating more than could be expended. Another objection was in the vagueness of the amendment, for "wharves and appendages;" nor could he see how $150,000 was to be laid out for wharves in one year. There was no necessity for acting upon it at this time, especially as the Senate bill would come under consideration during the present session.

Mr. JUDSON said the navy bill is now under consideration, and, as is usual, this bill contains appropriations for the navy yards. There are now established within the United States seven navy yards for construction. They are situated at Portsmouth, Charlestown, Brooklyn, (New York,) Philadelphia, Washington, Gosport, and Pensacola. The first six have long been established, and are now in a condition well suited to the object of their erection. That at Pensacola has been established a much shorter time, and has not been brought up to the condition of the rest. The honorable Delegate from Florida has proposed to add to the appropriations in this bill three other items. First, the sum of twenty-four thousand dollars, to erect a brick wall around the public works at Pensacola. Second, the sum of seventeen thousand dollars, for a powder magazine. And, third, the sum of one hundred and fifty thousand dollars, for the erection of wharves, at the same place. After mature deliberation, I think this amendment should be adopted. My reasons are concisely these:

The immense amount of commerce which annually passes the Gulf of Mexico, added to the dangers of these seas, indicate the necessity of building up in that quarter a naval depot. Pensacola is the only position which can be selected in that quarter. The laws of Congress have established this as one of the navy yards; and, surely, sound policy demands its completion. The attention of the House may well be called to the utility and necessity of these items. Is the powder magazine wanted? The common consent of the House will be given to this proposition. If you have a navy yard of construction for national ships, you surely should have in its vicinity ordnance stores. There can be no objection to this part of the amendment. The Naval Committee themselves have recommended it in another bill; but this being the proper bill for such an appropriation, it commends itself to the judgment of the House.

The second item contemplates the erection of a brick wall to enclose and secure these public works. Go to any other navy yard, and you will see that prudence has provided this security, to prevent depredations upon the property of the Government. Without it, there is no security whatever for the property there collected. My own mind is irresistibly brought to this conclusion: that economy and prudence are both united in sustaining this part of the amendment. The principal item still remains to be considered. Are there now any suitable wharves at Pensacola? It is admitted there are no adequate accommodations of this character. An honorable gentleman from Virginia has told the House that this amendment must be rejected, and assigns as a reason for that rejection, that the Committee on Naval Affairs have had under their consideration a bill from the Senate, to which that committee have proposed an amendment, to build a hydraulic dock, with $15,000 more for a wharf. This proposition is viewed by me in a very different light. It is impossible to consider this a valid objection to the proposition made by the Delegate from Florida. Let me ask the attention of the House to this objection for one moment. That a hydraulic dock may be constructed at Pensacola is readily admitted; but of what service can that large expenditure be to the nation? We all know that a dock of this character must be constructed of timber, and when that timber is immersed in the water at Pensacola, it would be totally destroyed in a less term than three years. The evidence is indisputable, that if we were to fell all the live oak in Florida and Georgia, and deposite it in the salt water at Pensacola, the teredo, in a very short time, would so act upon it, that the whole would be worthless.

In all the waters south of Philadelphia, or, at all

events, south of the Chesapeake bay, this worm, called the teredo, is absolutely destructive of timber deposited in the salt water.

Of what conceivable use could it be to expend from one to two hundred thousand dollars to be thus rendered useless in so short a time? This would not be the case in the Northern ports. There the dock in question might be of great utility in repairing sloops of war. These facts existing, it is to be presumed Congress will never make an appropriation for such an object, in such a place.

This objection is, then, removed, and we are brought to consider the item contemplated for the construction of the wharves.

Are these wharves necessary? is the first question. And here I do not concur with the honorable member from New Jersey, who says that this wharf is needed to throw down a frigate, that it may be repaired! This is not the way to repair vessels of this class. The wharf is needed to bring your ships "alongside," and make them fast; to secure them in the storms, and from the dashing waves. The next question is, shall the sum of one hundred and fifty thousand dollars be added to the bill for this object?

Is it too much? Before this question is decided, we must inquire in what manner these wharves are to be constructed. It is obvious that timber cannot be used, for the reasons already suggested.

The contemplated wharves must be constructed with stone, and, probably, most of that material must be transported from the New England coast. The sum of $15,000 would not lay the foundation; and, if gentlemen will but examine for themselves, they will find that the sum of one hundred and fifty thousand dollars will be inadequate to that important work—important to the commerce of the country, as well as to the navy of the United States. Considerations of this character have influenced my mind in coming to the result, that the interests of the country demand these expenditures, and I call upon gentlemen to do justice to the country and themselves by the vote they may give.

Mr. CAMBRELENG hoped the House would at once come to a decision upon the question, and that the amendment would not be prejudiced by the fact of its non-examination by the Committee of Ways and Means.

Mr. HARPER was willing to give a liberal vote, but they were, he thought, to a certain extent, groping in the dark; for there was still a difference of opinion existing as to whether the amendment was embraced in a separate bill or not. Moreover, nothing had been furnished the House to show the necessity of the proposed works, or whether the large sum of $150,000 could be well laid out or not. He should oppose the amendment now, whatever he might be disposed to do when the subject again came up, prior to which, he trusted, some more information would be furnished.

Mr. CUSHING said that the importance, to the whole United States, of a suitable naval station somewhere on the Gulf Mexico was a fact universally conceded. Pensacola had been selected for that purpose by the concurrent opinion of the Executive and of Congress. And he was in favor of the most liberal provision for the construction and maintenance there of all the public works required for the service of our navy in that sea. If there were any defects in the port of Pensacola, which skill or money could remove, they should be removed. He should vote for this particular appropriation. Whether the money could be expended immediately or not was immaterial to him; he was willing to make the appropriation, and leave the money in the custody of the Executive. As for the expediency of constructing a hydraulic dock at Pensacola, that was another question, which it would be time enough to discuss when that subject should be regularly before the House, as it would under the bill from the Senate.

Mr. HARPER said he found he had fallen into an error, and that the other bill referred to did not embrace the objects of the amendment. Believing, then, that this money could be advantageously expended, he should vote for the appropriation at the present time.

Mr. HOWELL expressed his intention of voting against the amendment, more with reference to the time, than from any other objection to its expediency. He thought they had better defer it.

Mr. JARVIS again made an explanation. The Secretary of the Navy had recommended $64,000; the committee inserted an additional $200,000; and if the amendment now proposed should be agreed to, they would appropriate for this one navy yard just one half the amount appropriated for all the other navy yards in the United States put together. He was willing to be as liberal as any one towards Pensacola, even to the amount of millions, if necessary, so that the money was judiciously expended; but he was confident the committee had done all that ought to be done. He was also opposed to that loose mode of legislation of putting riders upon bills, or inserting new laws in appropriation bills; and he still trusted the amendment would be rejected. He was confident that no more money than what had been proposed by the committee could be expended at Pensacola during the current year, unless it was lavishly thrown away.

Mr. THOMPSON, of South Carolina, remarked that the appropriations would be just as necessary, whether the experiment of deepening the bar succeeded or not, for our ships were not all seventy-fours. He would mention one fact, however, that was perhaps little, if at all, known there; and it was this: that the bar at Pensacola was within one foot as deep as the bar at New York. He would go further, and state, on the very highest authority of our navy, that the Brandywine goes in and out of the bar without striking; and that it was an extremely rare occurrence for a vessel of a similar size to pass over the bar at New York without doing so. He maintained that the money proposed to be appropriated (a little over $200,000) could be well expended at Pensacola; and he repeated his former assertion, that the average price of labor was one third less in the South than in the North. Labor could be procured on the spot to any amount, and half a million could be well expended during the current year. He again recurred to his former charge of inequality of expenditure, and said he was prepared to prove all he had urged on that subject, against all the specious and voluble arguments that had been advanced to the contrary.

Mr. PEYTON called the attention of the House to the report of Captain Chase, of the United States engineer corps, which stated the depth of water on the bar at Pensacola to be from twenty-three and a half to twenty-four feet; and, consequently, that all ships of war less than first rates could sail in and out.

The question was then taken, and the amendment was agreed to: Yeas 151, nays 26.

Mr. PINCKNEY inquired if it would be in order at that time to move, as an amendment to this bill, the bill now before the House for the establishment of a navy yard at Charleston, South Carolina.

The CHAIR replied that it would not.

Mr. LANE rose and remarked, that inasmuch as five or six weeks had been spent in Committee of the Whole on the motion of the gentleman from Tennessee [Mr. BELL] to amend this bill, and as he had been waiting to hear the gentleman's amendment renewed in the House, he would himself renew it, in order to test the sense of the House. He therefore moved to strike out the appropriation, "For improvement and necessary repairs

of the navy yard at Portsmouth, New Hampshire, sixty-seven thousand dollars," and asked for the yeas and nays; which were ordered.

Mr. EVERETT was opposed to striking out the whole appropriation, though he was in favor of its being amended in the way he had proposed last night.

Mr. BELL said, if he had had the estimates before him when he first made his motion, he should have confined his amendment to all but what was appropriated for the repair of the works already erected.

The question was then taken, and the amendment was rejected: Yeas 6, nays 160.

Mr. EVERETT then renewed the amendment made by him in Committee of the Whole, to reduce the appropriation for the navy yard at Portsmouth, New Hampshire, from $67,000 to $4,000. Mr. E. said it was evident that this item was an administration measure; and, in proof of this, he referred to an article which appeared some time ago in the Globe, on the democracy of New Hampshire, and setting forth that the opposition to this appropriation was a consequence growing out of the opposition of the citizens of Portsmouth to the Bank of the United States, &c.

Mr. BOON wished to know whether the member from Vermont meant to say that he (Mr. B.) was at all influenced in his vote by that publication.

Mr. EVERETT replied, certainly not; he had spoken only of the intention of the publication.

Mr. BELL said he did not desire to detain the House by any regular discussion of the question submitted by the gentleman from Vermont, [Mr. EVERETT,] but he felt himself called upon to make a remark or two. The motion now made (said Mr. B.) is substantially the one I made in committee on a former day. I would have submitted the motion at that time in this form, if the estimates for this clause of the bill had been before me; and it was my intention to modify my motion before the question was taken in committee, but it was decided before I was aware that the question had been put by the Chair. The principle and object of the present motion are the same. It was no part of my object to prevent necessary repairs to the buildings and other improvements already made at the navy yard at Portsmouth. The basis of my motion was the report of the Board of Navy Commissioners, made through the Executive to Congress. That report contains the opinion of your most experienced and able naval officers. They combine a high degree of science with great practical knowledge. They had given it to the country as their decided opinion, after a full and elaborate examination and reflection, that the policy of supporting and building up seven navy yards was reconcileable neither to economy nor the efficiency of the service. They gave the reasons at large for this opinion. Those reasons were satisfactory to me, and ought to be so to the whole country, unless their opinion shall be reversed by the judgment of men of greater experience and ability. Gentlemen have informed us, repeatedly, that we cannot safely rely upon our own judgments in questions of this nature. Why, then, will they persevere in acting in opposition to the very highest and most respectable professional authority upon this point? They say these seven navy yards have been established from a very early period, and, forsooth, it is too late to alter our policy, though experience has shown that it is wrong. Though both the two great objects of economy and utility will be promoted by the change, yet it must be persisted in, because it has heretofore been the policy.

The Navy Board have declared that, in their opinion, two navy yards of construction, with some auxiliary naval depots, would answer a better purpose than the seven you have established. By adopting the plan of the Navy Commissioners, you will reduce the expenditures of the Government upon these objects at least one half; and will you not do it? I have said that I would be willing, for the sake of conciliating sectional interests and feeling, and for the purpose of equalising the disbursements of the Government, to give my support to four navy yards, instead of two, as recommended by the Commissioners; but you say you will have eight.

The navy yard at Portsmouth, with others, is recommended by the Navy Board to be discontinued. The object of my motion was, not that this yard should be actually discontinued, without further examination, but simply to suspend further improvement; to make no additional improvements at that navy yard until time could be given to make a more thorough investigation into the propriety of continuing this navy yard. Portsmouth is not more than sixty miles from Boston, where a navy yard is also established; Newport, on the Narraganset bay, which affords the best harbor and the most eligible site for a navy yard on the whole Atlantic coast, is not more than thirty-six or forty miles from Boston. There ought to be a navy yard established at that point; and should there be one there, we will then have three navy yards within a distance of one hundred miles. Would this be proper? Sir, the increased cost of maintaining so many navy yards is a consideration entitled to great weight. We are now pursuing the policy of putting all our navy yards upon the footing of yards of construction. The consequence will be that, after you have expended some two or three, or even five millions, upon each of them, you will at last, after expending thirty or forty millions, not have one upon a proper scale, or with all the fixtures and improvements that would be useful. But, sir, when you once establish a navy yard at any particular point upon our coast, it becomes a point of attack by a public enemy, and you immediately bring upon the country the necessity of fortifying it, no matter at what cost; so, while we are resolved to spend two, three, or five millions upon each of the seven or eight navy yards, we must bear in mind that the fortifications of the same points may and probably will cost as many more millions. In this view of the subject, we shall find that, by reducing the number of navy yards to two, according to the recommendation of those who are best informed upon the subject, we shall save to the country some thirty or more millions. Sir, if we shall reduce the number to four, a saving will be effected of the public treasure of twenty or twenty-five millions; if the saving should be no more than ten millions, I have heretofore supposed that it would deserve the attention of a republican House of Representatives; yet, sir, it appears that such a proposition is only worthy of the scorn and derision of the democratic republican members of this House. I have understood that the motion which has just been decided by yeas and nays was made with a view to show the weakness of the motion submitted by me in committee, and upon which so much discussion was had. Sir, if the saving proposed had been not more than one half the lowest amount stated, it would have been entitled to the respect of this House—it surely ought not to excite the contempt, at all events, of those who claim to be the representatives of the democratic republican party in this House.

I desire, sir, to repeat, what I have said upon a former occasion, that my course upon this subject has proceeded from no hostility to Portsmouth; on the contrary, if it shall be shown, upon better and further inquiry, that that place possesses superior advantages for a navy yard, I will most cheerfully give it my support. I have felt bound, sir, in justice to myself, to make these few remarks upon this subject, and to vindicate myself from the charge of having made this motion without an adequate object. I hope the House will indulge me by taking this question by yeas and nays.

The yeas and nays were ordered.

Mr. CUSHMAN then addressed the House as follows:

Mr. Speaker, owing to the lateness of the hour of the day, considering the length of time that this bill has been before the House, and believing, as I do, that the public interests are suffering in consequence of the delay in making appropriations for the naval service, I shall confine myself to a very few remarks upon the subject now under consideration. On a former occasion, about two months since, I had the honor of addressing the House relative to the appropriations which have been recommended by the committee for the improvement of the navy yard at Portsmouth, New Hampshire. The remarks which I then made were elicited by a motion submitted by the gentleman from Tennessee, [Mr. BELL,] to strike out one half of the sum which had been recommended for that purpose; which motion I opposed on the ground that it would be prejudicial to the public service. At that time I conceived it to be my duty to give a very minute description of the above-mentioned naval station, in order that I might satisfy, if it were possible, every member of this House, that it was one of the most favorable positions for a large naval depot of any in the United States; that nature had, in a great measure, protected it from the assaults of the enemy. At all events, that a very small force would secure it from depredation by an invading foe.

Another important fact which I then offered for the consideration of the House, a fact which I then thought, and which I still firmly believe, ought to be sufficient to put this question entirely at rest, was, that the above-mentioned navy yard was accessible at all seasons of the year. As proof of this fact, reference is made to a memorial of the citizens of Portsmouth, presented to the Senate of the United States in February, 1827. Speaking of the harbor of Portsmouth, the following language is used: "It is never, even in the most intense cold of winter, obstructed by ice: and the fact is remarkable that, for several weeks past, and at the present time, while all our naval ports are clothed with ice, this is as free and open as at midsummer." This was the authority upon which I then stated that, while all other harbors north of the Potomac were rendered inaccessible, in consequence of the ice, the one at Portsmouth was entirely free from any such obstructions. That in the coldest weather of the coldest winters, this harbor was open to the whole world. It was upon this ground, also, that I then stated the fact to which the gentleman from Massachusetts [Mr. CUSHING] took an exception, that while Boston harbor was frozen up from four to six weeks, the one at Portsmouth was entirely free from ice. If any member of this House then supposed that I was stating a fact within my own knowledge, permit me here to say that I did not intend to be so understood. But, sir, being a little surprised by the reply made by that honorable gentleman, I embraced the first opportunity in my power to obtain further evidence upon that subject, and from the receipt of which I am prepared to repeat that the fact, as then stated by me, was substantially true.

I have said this much, not from any prejudices which I indulge towards the inhabitants of the city of Boston, or the State in which that flourishing city is situated. Neither did I make that statement with an expectation that the merits of one place were to be enhanced by detracting from the merits of others. I would not do this, any more than I would endeavor to establish a good reputation of a friend by slandering his neighbor. There are occasions, however, when comparisons ought to be made, and I believe this to be one of them, when an attempt is made by some gentlemen of this House to produce an impression that the naval depository in that part of the country to which I belong ought not to receive the patronage of the General Government.

Mr. Speaker, within a few days past, it seems that old things have been done away, and one thing, at least, has become new. I allude to the first motion made by the gentleman from Tennessee to reduce the appropriations for the improvement of the navy yard at Portsmouth one half. This motion, which was made two months ago, has, for some reason or other, been withdrawn, and a motion made by the same gentleman to strike out the whole sum. The gentleman says that he has adopted this course for the purpose of throwing open the whole ground, so as to discuss the propriety or the impropriety of consolidating the navy yards, agreeably to the report of the Navy Commissioners of 1827. Although this course was entirely unexpected, yet, sir, I have no right to complain. I am willing to meet the question either upon its most unlimited extent, or within a more narrow compass, as may best suit the dispositions of those who desire to discuss this subject. And, sir, it is now my intention, if it be possible, to satisfy every member of this House that the navy yard at Portsmouth, New Hampshire, *is not one of the best* places for a national depot, but that it *is the very best* which has been selected for an establishment of this purpose in the whole country.

This truth, so far as I have the power, I now shall proceed to establish, and I hope it may be done to the satisfaction of every gentleman present; after which it is my intention to ask their indulgence while I can make a few remarks relative to the report above mentioned, to which the honorable gentleman from Tennessee has alluded. In addition to the recommendations which have heretofore been mentioned, I wish to call the attention of the House to the fact that ships are built at this place at less expense than at any other place in the country: I mean where the Government has carried on ship building to any great extent. It is supposed by some that ships can be built as cheap and as well at Pensacola as at Portsmouth. This cannot at present be satisfactorily determined; but, save that place, there has been none, and I presume that the Government will not in all future time find a place where ships will be built so well and so cheap as at Portsmouth. In the first place, I would refer to the presumptive evidence which the past history of the country furnishes to prove this point. Many years since, while New Hampshire was one of the British colonies, those whose duty it was to manage the affairs of that Government in this particular branch of the public service selected Portsmouth as the most favorable spot for the above purpose. And, in every thing appertaining to the naval service, I believe no one will doubt their sagacity. And, from the earliest period of the history of that State and of the country to the present time, this has been considered one of the most favorable places for ship building, both for the public and merchant service, of any in the United States. If I am not mistaken in my recollection, this is the favored spot where was erected and completed the first vessel which was ever built in this country; at any rate, it is the place where the first public ship was built. This, of itself, ought to awaken such associations in the mind of the patriot as not to abandon this place unless the public good shall imperiously demand such a sacrifice. But, sir, for proof of such an important fact, I will not ask the House to rely alone upon presumptive evidence. I have in my possession a public document, which puts this subject entirely at rest. It is a letter from the late Secretary of the Navy, Mr. Southard, dated the 9th February, 1827, wherein it is stated that the schooner Alligator, which was built at Boston, cost the Government the sum of $22,745 65

When the Porpoise, a schooner of the same class, was built at Portsmouth for the sum of - - - - 20,408 75

Making a saving of expenditure in this one small transaction of - - - 2,336 90

By this we perceive that there is a saving of at least ten per cent. by building ships here rather than at Boston, only sixty miles south of that place. And any gentleman who will please to examine this document will find that the average expense between ship building at Portsmouth and the other navy yards in this country, is twenty per cent. less than at other places.

Again, sir, it is said, by those who have had experience on this subject, that timber and other materials, which are extensively used in ship building, are less liable to receive injury at this place than in more southern latitudes; that timber, during the time of its dockage, does not become wormeaten in those waters; and that iron does not suffer so much from rust at that place as at other navy yards. These are considerations which ought to have, and I doubt not will have, a great weight in governing the final action of Congress upon this subject. It is well known to those who have any experience in this business, that timber, before it can be rendered fit for the builder's use, ought for a long time to be immersed in salt water. And if it should during this period become wormeaten, it of course is very much injured, if not rendered entirely worthless. It is well known, also, to those who are conversant with this branch of the public service, that immense quantities of iron are used in the construction of ships, and that it is necessary for the Government to have, at all times, large supplies in store for that purpose. Hence, it becomes very important that those places, if any such can be found, should be selected for the storage of those supplies, where that article is the least liable to receive injury. I do not assert the above-mentioned facts upon my own knowledge. But, sir, they are facts which have been communicated to me by those whose duty it was to know them, and whose statements are entitled to the most implicit confidence; and if the facts are so, then should the navy yard at Portsmouth be patronised by every statesman in the country.

Once more, sir: the depth of water in the Piscataqua river gives this place a decided advantage over all others, as a naval depot, in the United States. There is not a navy yard in the country, unless Norfolk make an exception, where the largest ships of the navy can with ease and safety gain access, save the one at Portsmouth. In proof of this fact, I again ask leave to refer the members of this House to the aforesaid memorial. It is there stated, and without the fear of contradiction, that, "at the lowest tides, there are ten fathoms, or sixty feet, at the entrance through the main channel (of the river) to the navy yard, and at the navy yard, where ships of the largest class may lie, and from whence they may proceed to sea at dead low water; a desideratum not to be found at any other naval station in the United States." This fact, if it stood alone, entirely alone, would be a sufficient reason why this national depository should never be abandoned; but, on the contrary, it should be a sufficient reason why it should receive, in all future time, the patronage of the General Government and the unceasing influence of those who administer its important concerns. Admit this fact, and even in a time of profound peace the Government could not safely and conveniently carry on its naval operations without this place. It is true that those ships of the line which are ordered to the South Atlantic or into the Pacific ocean, may, on their return, perchance, gain access to the navy yard at Norfolk, and there receive a speedy refit for the public service. But, sir, what is to be done with those in the Mediterranean or the Eastern seas? Shall they also be compelled to sail along the whole of the eastern coast to the Chesapeake bay, before they can reach a navy yard where they can undergo requisite repairs? My belief is, that a wise and intelligent individual would not so manage his own concerns; why, then, should the Government pursue such a course of conduct? If an intelligent merchant would not unnecessarily sail a vessel a thousand miles for repairs, when he could do it better and cheaper elsewhere, because it would occasion him a loss of time and property, why should the Government refuse to be governed by such a discreet and prudent course of conduct?

But, sir, whether it may or may not be important in a time of peace to have national depots so located that the ships which belong to our navy may easily, safely, and readily, enter or not, in time of war it would be of immense importance; and here, sir, let me ask, from what quarter are we to expect collisions? From the East, or the West? the North, or the South? Most probably from the East. And, sir, in such an event, shall it be said that those gallant ships, which would then stand at the head of the American squadron, have to sail from New Brunswick to the Chesapeake bay before they can receive the supply of a mast or a spar? Would not such a state of affairs injure the public service, and jeopardize the best interests of the country? Ay, the destruction of the whole American navy might be the consequence, and the country suffer a disgrace worse than the loss of a thousand navies, or the support of a thousand navy yards. Yet, discontinue the navy yard at Portsmouth, and such predictions might be verified. Supposing a naval engagement to take place between the American squadron and the belligerant nation near Halifax; and suppose, further, that one of the gallant seventy-fours should be disabled, and rendered unfit for service, till supplied with one or more masts, would not every American heart bleed at the thought that this ship must, in her crippled condition, sail a thousand miles or more before she could be refitted for the public service? Suppose that, in consequence of this delay, the residue of the American squadron should be captured and lost; what then would be the feelings of every patriotic heart? In that case, would not the whole American people exclaim, why and wherefore is it that we have not a navy yard nearer than that at the Chesapeake bay, where our ships can at once enter, and be repaired with more expedition, so as to return forthwith to the battle ground to protect the liberties of the country? Yet, sir, discontinue the naval station at Portsmouth; and if the report of the Navy Commissioners, which has been alluded to, be true in this particular, of which I doubt not, there would not remain a navy yard north of the Chesapeake where a seventy-four could gain access. Should, then, any of the events happen which have been supposed, then the probability is that all the evils which have been mentioned might be realized. But, sir, in a time of peace we have vessels on some of the Eastern stations, which after a two or three years' cruise may be ordered home for the purpose of receiving repairs; and although frigates, schooners, and sloops of war, can gain access to other navy yards north of the Potomac, besides Portsmouth, during the spring, summer, and autumn months, yet in the extreme cold of winter even the above classes of vessels cannot gain access to any yard, save the one at Portsmouth, short of the Chesapeake bay.

I am, sir, fully persuaded that the recommendations in favor of the navy yard at Portsmouth, to which I have alluded, will be sufficient to satisfy every candid mind that this place, of all others, is one of the most favorable spots on the whole Atlantic coast for a large national depository, and that a discontinuation of it would be criminally unjust to the Government and the whole American people. My design has been to establish the fact that, in four important, and, in some respects, indispensable particulars, this has a decided preference over every other navy yard north of the Chesapeake bay. First, it can be more easily protected from the invasion of the enemy. Secondly, it is at all times easy of access, free

from ice and other obstructions. Thirdly, by having a sufficient depth of water to admit with ease and with safety the largest class of our public ships. Fourthly, by building ships here, there is an average saving to the Government of at least twenty per cent. And in one very important particular this place has a most decided advantage over every other navy yard in the country; that is, that timber and other materials are less liable to be injured here than elsewhere. To the last recommendation even the waters of Narraganset bay, which have been so highly eulogized by the honorable gentleman from Rhode Island, would be compelled to yield the palm. Yet, sir, notwithstanding all that has been said in favor of this national depot, its paramount advantages, when compared to others of a similar character; the long time it has been occupied as a favorable place for ship building, both for the public and the merchant service; the millions which the Government has invested in erecting suitable buildings for dwelling-houses, ship-houses, stores, marine barracks, timber sheds, timber docks, &c; and notwithstanding it is so easily protected, unobstructed by ice in the winter season, so as to render the navigation to and from the same safe and expeditious; and although the Government can, by constructing her ships at this place, save much of the people's money; and although the raw materials here are less liable to suffer injury; and although there is no other naval depot north of the Chesapeake, to which the largest class of ships can safely have access; if it be for the interest of the country that it should be discontinued, it will be my duty to sustain the motion of the honorable gentleman from Tennessee, to strike out the whole of the above-mentioned appropriation. But, sir, I must wait for stronger arguments than I have yet heard, either by gentlemen on this floor, or those contained in the report of the Navy Commissioners of 1829, before I can give my consent to demolish this national depository. And as the most if not all the arguments against the navy yard at Portsmouth have been drawn from the above-mentioned report, I ask the indulgence of the House for a few moments, for the purpose of reviewing some of the principles as well as the facts which are contained in this document.

The proposition of the Navy Commissioners then was, "that, with the exception of the yards at Boston, Washington, and Norfolk, and another near the Gulf of Mexico, (principally as a deposite of stores,) all of our other yards might, in the course of a few years, be dispensed with, without injury to the public service, provided an establishment be made near Newport, Rhode Island." And the above proposition rests upon the basis of "economy and efficiency."

But, sir, to this concentration of power I do not give my consent. That we should study the principles of economy I agree is right; and I wish this disposition prevailed more extensively. But, sir, to a consolidated Government, or to the concentration of power, further than that authorized by a literal construction of the constitution of the United States, I enter my most solemn protest. Is it not against this principle that we have been so long contending, and against which we have, for the last seven or eight years, contended with so much success? For myself, I shall regret to see the day when the people of this country shall sanction a discontinuation of any naval station which has heretofore been established, and with which are connected so many pleasing associations; institutions which have become hallowed by time, and the breaking up of which would be like breaking asunder the cords which bind together the social compact—the union of these States. And I doubt not that it would be better for the country to increase their number, rather than to diminish or lessen it; for this plain reason: that it gives to the people of the several States a better opportunity to see the operations of the General Government, and consequently creates a stronger sympathy with the administration of it, and a more fixed determination to support the integrity of the Union. It is upon this ground that I shall exert all the influence which I possess in favor of the proposition now before Congress to establish a navy yard at Charleston, South Carolina. It will, in my opinion, add another ligament to the cords by which we are bound together, as a great and a mighty people; a people chosen of Him who guides and controls the destinies of nations as well as individuals. Its tendency will be to blot out and entirely efface those geographical lines which have been so often mentioned upon the floor of this House since the commencement of the present session of Congress. The gentleman from Maine, speaking upon this subject a few days since, very appropriately remarked that these establishments did not belong to the place where located, but to the country. Establish the one at Charleston, agreeably to the request which is now made by the freemen of that district; it will not belong to that place, but to the country. Yet that people will see and feel that the General Government is not unmindful of their wishes, desires, and interests; and, by rearing up some national works among them, it will bind them more closely to the national confederation. And for the same reasons, sir, I shall record my vote in favor of the appropriations mentioned in this bill, and also for increased allowances for the navy yard at Pensacola. Yes, sir, this place deserves the patronage of the Government. It belongs to the nation, as well as others of a similar description; and so long as my constituents provide for me a seat in this House, it will be my endeavor, at all times, to guard with vigilance the reserved rights of the States, yet to manifest national sentiments, and to use what influence I may possess to eradicate every sectional feeling. In regard to national stations of this kind, as well as for fortifications, I shall look alike to the East, the West, the North, and the South. The safety, the prosperity, and the glory of the one, is the safety, the prosperity, and the glory of the other. But, sir, it is time that I should again turn my attention to the more immediate consideration of this report, and for a few moments examine the other proposition which is offered by the Commissioners in favor of "concentration," viz: that of "economy." I admit, sir, that if, by discontinuing one half of the number of our navy yards, we should lessen the expenses of the people in proportion, then it would be our bounden duty to pursue this course at once, provided that the remaining one half would subserve the interests the country as well as the whole number. But would that follow? Would there, in such an event, be a saving of any considerable expense to the people? In order to answer these questions correctly, we must take into consideration the investments which have heretofore been made in the improvements of those yards, and, consequently, the great sacrifices which would be made by their demolition. Furthermore, we must take into consideration the expenses which would be incurred by enlarging those which might be retained, together with the millions which would be required to build a new magnificent establishment upon the waters of Narraganset bay. I must confess, if the recommendations mentioned in the report of the Navy Commissioners should be carried into effect, I am unable to perceive how it can materially affect the current expenses of the Government. In that case millions of property, which is now answering all the purposes for which it was originally designed, would be sunk, and millions more must be expended to build up new naval stations, which would answer no better, and probably not so well, for the interests of the country, as those which are now extant.

It is highly probable that, should the number of yards

be reduced, three or four officers on the civil list might be dispensed with; I mean naval storekeepers. But, sir, should this be done, it would be a saving in expense, only of five or six thousand dollars; and the probability is, that even this sum would have to go to meet the expenses of additional clerks in these magnificent, consolidated institutions. How, then, is there to be any saving of expense by consolidation? The Navy Commissioners say that "concentration would enable the Government to select and retain in its service the most valuable artificers, at fixed and moderate wages, because they could have constant employment." Is this any thing new? Has not the Government always selected artificers, mechanics, and ship carpenters? Most assuredly. And I apprehend that not a single instance can be pointed out where the Government has met with any difficulty in obtaining the first rate of workmen in sufficient numbers to complete all the works which have been contemplated by the Government; and, as it respects my own State, the General Government may rest assured that she may there always be furnished with a sufficient number of the first class of workmen, at reasonable, fixed, and moderate wages.

My belief is that, by reducing the number of navy yards agreeably to the plan proposed in the above-mentioned report, the wages of artificers, ship carpenters, and mechanics, would be increased instead of being diminished, because there would, in that case, be a much more limited circle, than the Government now has, from which to make a selection. Supposing Congress should, at its present session, make provision for building eight ships, would it not be as cheap for the Government to build one at each of the navy yards as to build four at Norfolk, and the other four on the waters of the Narraganset bay? It appears to me that every gentleman must answer this question in the affirmative. And he would do it upon the ground that the wages of a thousand men would be the same, whether they were all to be concentrated in one place, or dispersed into ten places. Neither can it make any difference as to the expense of those whose duty it is to superintend this branch of the national service, especially in a time of peace, because more or less of them are to be found in almost every town and city on the Atlantic coast, and their salaries are the same, whether they are diversified or concentrated.

But, sir, although the plan laid down in this report, of having two magnificent national depositories, one on the Chesapeake, and the other on the Narraganset bay, and retaining those at Washington and Boston as auxiliaries thereunto, might possibly answer for the public service in a time of peace; but, in that case, what would be the situation of the country in a time of war? It is to such a period that we should direct our attention, when we are about to make appropriations for the improvement of navy yards, for the increase of the navy, and for fortifications. Might not both of these great depositories be blockaded, and by that means the country be cut off from all supplies for the navy? Would not these two places, in the case of a war, be more easily blockaded, and in that event more liable to be blockaded, than any two places on the whole Atlantic coast? Let the history of the revolutionary war, as well as the history of the late war, answer that question. I may also refer to this very report to prove that fact; for the Navy Commissioners say, "our past sufferings admonish us that the Chesapeake bay, and the waters near Rhode Island, are our most vulnerable points."

A fine recommendation this for the only two national depots in the country. If the authors of that production had been speaking of fortifications, then might they have said with propriety, that these are two of the "most vulnerable points" in the country; and, therefore, the means of defence should be sufficient to render them invulnerable. But, sir, let these two places become the only depositories for naval stores, and the general rendezvous of our navy, past experience will show that the best and the highest interests of the country would thereby be put in jeopardy. I hope and trust, sir, that neither this nor any other administration will ever carry into execution any such project. And, sir, if the opinion of this House should accord with my own, then the sums mentioned in the bill under consideration, for the improvement of navy yards, will be appropriated for that laudable purpose. This brings me to the time when it is proper to go into a consideration of that part of the subject; I must, therefore, ask the indulgence of the House for a few moments, while I submit a remark or two relative to the several items included in the report of the Navy Commissioners.

Mr. Speaker, as to that part of the subject relating to the estimates, or the amount which it may require to complete the public works which have been mentioned, I do not pretend to be a suitable judge. This is no part of my duty, unless it be apparent that the sum asked for should be very extravagant, manifesting a disposition to squander away the public money in a wanton manner. This responsibility should be made to rest where it ought; that is, on the honorable gentleman at the head of the Navy Department. But, sir, as to the necessity of making the improvements which have been recommended by the Committee on Naval Affairs, I have no doubt. This naval depot, as its merits become more extensively known, has been made to assume a rank but little inferior, if any, to similar institutions in the country. Two ship houses were erected many years since, in which there are two of the first rate of ships. The foundation for a third ship house has been laid, and will probably be completed the ensuing season. Very extensive supplies of ship timber have been sent to this yard, which requires attention; and, as a part of my argument upon this part of the subject, I wish to refer the committee to one or two paragraphs contained in the report which has been so often alluded to.

The Navy Commissioners say that, "from necessity, ever since the creation of our navy, we have been compelled to use, to a great extent, unseasoned timber in the construction and repair of our ships; hence immense expenditures and great loss of time, (invaluable in war,) arising from the necessity of frequent repairing them." The same report then proceeds to provide a remedy for this great evil, which is as follows, namely: "provide extensive supplies of ship timber, and place it in a state to be well seasoned before it be used; and for this purpose they recommend that the timber be immersed in water for twelve months, then taken up and placed under cover, to protect it against the sun, rain, and high winds: its immersion will render it less liable to split or rent. It should not be taken out of the water, however, excepting early in the spring, if it can be avoided; and it should, after being sawed or reduced to proper sizes, required in ship building, be put under sheds, so constructed as to admit of a free circulation of air, but at the same time to shield it from too much exposure to the sun and strong currents of air. It is believed that if timber used in ship building should undergo a process like this, their durability would be increased twofold."

If these facts be true, then add to those one other, viz: there is at this place extensive supplies of ship timber unprovided for. It would seem that no one would for a moment object to the appropriations contained in this bill. Every gentleman can readily conceive that so long as it shall be necessary and expedient to have an ample supply of masts, spars, boats, and other naval supplies, constantly on hand, so long it will be necessary and expedient to have mast houses, boat

houses, and timber sheds. I hope, therefore, that the sum named in the bill will be appropriated for those purposes.

Mr. LANE said he felt himself called upon to reply to the honorable gentleman from Vermont, [Mr. EVERETT,] and more especially to the honorable gentleman from Tennessee, [Mr. BELL.]

The first seems to think that the majority of the House have been influenced by a paragraph which he has read from the Globe, having, as he says, a tendency to make a party question of the bill under consideration. So far as it regarded his own vote, he could only say he had never seen or heard of the paragraph until read by the gentleman from Vermont. The gentleman from Tennessee has informed the House that the motion now made by the gentleman from Vermont is substantially the one he made in the committee, and that he would have submitted it in that form if the estimates had been before him; that he had intended to so modify it before the question was taken in committee, but for its having been decided before he was aware that the question had been put by the Chair.

Mr. Speaker, in order to give the gentleman from Tennessee [Mr. BELL] the benefit of this explanation, or rather apology, to the House and to the American people, for having occupied some six or eight weeks of the session in useless debate, a brief history of the honorable gentleman's course becomes indispensably necessary. On the 9th of February the gentleman submitted the motion, in committee, to amend the bill, by striking out one half the appropriation of $67,000 for Portsmouth, and addressed the committee several times in support of it. This occupied the attention of the committee until the 16th of March, the bill having been made the special order of the day for four days in each week, when the gentleman withdrew his motion, and moved to strike out the whole sum, which had been debated in the committee until the 7th of April; in all, fifty-eight days—the gentleman himself making a speech running through four entire days.

Mr. Speaker, is the want of information, at all times in the power of any gentleman in the House to obtain, or an intention to withdraw a motion, a satisfactory explanation for such an apparent waste of the time of the House and the money of the people? Sir, is the motion to strike out the half of $67,000, or the motion to strike out the whole sum, and the motion to strike out all but $4,000, substantially the same? No, sir; these excuses, these apologies, cannot, will not, satisfy this House or the people.

The gentleman gravely informs the House that he had heretofore supposed those propositions worthy the attention of a republican House of Representatives. Yet they had only excited the scorn and derision of the democratic party—that if the savings he had proposed had been half the amount, it ought not to have excited the contempt of the democratic portion of the House. Sir, is it treating a motion with contempt to speak freely and truly of its merits, or to vote against it, when the honorable mover withdraws the one, and informs the House that he had intended to modify or withdraw the other, and that, but for the want of information, he would never have submitted either?

Sir, there is a certain class of honorable gentlemen, here and elsewhere, who consider every thing said and done by the democratic members of this House, or by the democratic portion of the American people, as treating them with contempt, however true in matter of fact, just in principle, or patriotic in sentiment.

This is what might be expected from those who look upon the people with contempt, who consider them as incapable of self-government, and who are always ready to trample upon their rights and set their voice at defiance; but to hear such sentiments avowed by the honorable gentleman from Tennessee can but excite surprise, who himself, till lately, was supposed to be among the foremost in the democratic ranks; nor can it be accounted for in any other way than that an individual, born and educated in the plain and simple walks of democracy, clad in its simple garb, who, from good fortune, ambition, or accident, should be suddenly thrown from the society of his former associates into what he might consider a higher or more elevated station, and lays aside his democratic principles, his republican garb, and clothed himself in *white* robes, (as all observation has shown,) is more tenacious of his rights and etiquette which he assumes in his new condition, than one who is born and educated in the aristocratic ranks.

Mr. L. said the motives which had induced him to renew the gentleman's motion in the House were simply because it had been submitted by an honorable and distinguished member, and had occupied the attention of the House for days and weeks; and to prove that the House ought to sustain the motion, the gentleman had labored so eloquently, that it was but common courtesy to suppose every gentleman in the House sincere in all he said or did, that he always spoke to the point, and that the object of a four days' speech could only have been to convince the House it ought to be sustained.

For these reasons, Mr. L. said, he was induced to make the motion he had the honor to submit, believing, as he did, that a vote of the House ought to be taken upon a question that had occupied so much of its time, in order to enable the American people to understand and duly appreciate the motives that influenced certain gentlemen on this floor.

Mr. Speaker, I have had the honor to submit and the pleasure of voting against the motion; and the honorable gentleman from Tennessee [Mr. BELL] has had the honor of sitting in his seat and refusing to vote in favor of his own proposition.

Mr. BELL said a few works in reply.

Mr. BOON inquired of the Chair whether it would be in order then to answer the arguments of gentlemen made in Committee of the Whole.

The CHAIR said it would not.

Mr. BOON said, if it had been, he wanted to make something of a party speech himself.

The question was then taken on the amendment, and it was rejected: Yeas 45, nays 130.

Mr. WISE said he rose to do what was perhaps very unnecessary to do, after the vote of the House upon the amendment of the gentleman from Florida, but he felt compelled by a sense of duty to offer another amendment. In the 34th line of the bill there was an appropriation of $64,000 for improvement and necessary repairs for the navy yard at Pensacola. Of that $64,000, as he informed the House both last night and to-day, there was included $15,000 for wharves; but the House had, very much to his wonder and amazement, now appropriated $150,000 for wharves, besides that sum of $15,000, making in the whole $165,000 for this one object, without any appropriation at all for docks—a sum that never could be judiciously expended in the construction of wharves. He therefore moved to reduce the item of $64,000 to $49,000, thereby striking out the $15,000. He trusted, at least, that this amendment would be agreed to; and he hoped also that some gentleman would move a reconsideration of the former vote. Mr. W. was as warm a friend as Pensacola had, and would go almost any lengths for it, but he was convinced that $165,000 for wharves would be a most injudicious expenditure.

Mr. GARLAND, of Louisiana, hoped no motion would be made to reconsider.

Mr. RIPLEY said a few words in support of the original clause.

The amendment was then agreed to: Ayes 90, noes not counted.

The bill, as amended, was then ordered to be engrossed and read a third time this day.

Mr. CARTER moved a reconsideration of the vote on the amendment respecting the navy yard at Pensacola. He referred to the extraordinary haste manifested to hurry through this bill.

The CHAIR said that the motion directly was not in order; but the gentleman from Tennessee could attain his object by first moving to reconsider the vote by which the bill was ordered to be engrossed and read a third time this day.

Mr. CARTER then made that motion.

Mr. BOON said a few words against the motion, and he was at a loss to see the justice of the remark about hasty legistion, on a bill which had been some six weeks under discussion. He did hope that no further difficulties would be thrown in the way of this bill.

Mr. CARTER had no intention of throwing any difficulties in the way, and he had come to the conclusion to withdraw the motion before the gentleman from Indiana rose.

The bill was then read the third time and passed; and

The House adjourned.

FRIDAY, APRIL 8.

THE PUBLIC LANDS.

Mr. HANNEGAN asked the unanimous consent of the House to offer the following resolution:

Resolved, That the bill providing for the graduation and reduction of the price of the public lands be made the special order of the day for Tuesday succeeding the day on which the special order concerning the ordinary appropriation bills shall be complied with, or so soon as the same shall have been disposed of, and for each succeeding day thereafter, Fridays and Saturdays excepted, until the questions involved in the final dispositions of the public domain shall have been determined.

Objection being made, Mr. HANNEGAN moved to suspend the rules for the purpose indicated; and as he wished to know distinctly what course gentlemen intended to take upon that important subject, he asked for the yeas and nays on his motion; which were ordered.

Mr. CAMBRELENG said, if the gentleman would modify his resolution so as to include in it the bill regulating the deposites of the public moneys in certain local banks, he would most cheerfully vote for it.

Mr. HANNEGAN had no objection, and would so modify his resolution.

Mr. SUTHERLAND moved to amend the resolution by including also the light-house and harbor bills.

The CHAIR remarked that, until the resolution was in possession of the House, a motion to amend it was not in order.

The question was then taken, and the House refused to suspend the rules for the purpose indicated: Yeas 74, nays 75, as follows:

YEAS—Messrs. Chilton Allan, Ashley, Bailey, Bean, Bell, Boon, Bunch, Wm. B. Calhoun, Cambreleng, Carter, Casey, Chapman, Chapin, J. P. H. Claiborne, Cleveland, Coffee, Corwin, Dickerson, Dunlap, Everett, Farlin, French, Galbraith, J. Garland, Gillet, Glascock, Granger, Joseph Hall, Hiland Hall, Hannegan, Hardin, Albert G. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Holsey, Howell, Hunt, Huntington, Huntsman, Jenifer, Kinnard, Lane, Lawler, Lay, Luke Lea, Loyall, Lyon, Maury, May, McKennan, McKim, Mercer, Montgomery, Page, James A. Pearce, Pettigrew, Phelps, Rencher, John Reynolds, Joseph Reynolds, Roane, Wm. B. Shepard, Shields, Spangler, Speight, Standefer, J. Thomson, Towns, Underwood, Washington, Weeks, S. Williams, Wise—74.

NAYS—Messrs. Heman Allen, Anthony, Ash, Barton, Bockee, Bond, Bouldin, Bovee, Campbell, George Chambers, Chaney, Nath. H. Claiborne, Clark, Connor, Craig, Cramer, Cushing, Deberry, Denny, Efner, Evans, Fairfield, Philo C. Fuller, William K. Fuller, Grantland, Grennell, Griffin, Haley, Samuel S. Harrison, Hoar, Hopkins, Hubley, Ingersoll, Ingham, William Jackson, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, Judson, Kennon, Kilgore, Klingensmith, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Logan, Job Mann, William Mason, Moses Mason, McComas, McLene, Morgan, Morris, Owens, Parker, Parks, D. J. Pearce, Potts, Reed, Robertson, Seymour, Sickles, Smith, Storer, Sutherland, Taliaferro, Taylor, Turner, Turrill, Vinton, Whittlesey—75.

WISCONSIN TERRITORY.

On motion of Mr. MAY, the House proceeded to the consideration of the bill to establish the Territorial Government of Wisconsin.

The question being on concurring with the Committee of the Whole in the amendment striking out ten thousand acres of land, and inserting 20,000 dollars, as a grant for the erection of public buildings in the Territory,

Mr. BOND moved to amend the amendment by striking out 20,000 dollars, and inserting 12,500 dollars, and on this motion asked the yeas and nays; which were ordered.

After some remarks from Messrs. BOND, JONES of Michigan, REYNOLDS, BOON, and PARKER,

Mr. KINNARD considered the sum of $20,000 little enough for the object to be accomplished. Unequal as had been the appropriations for his own State, when a Territory, compared with the sums which had been granted for roads and purposes of seats of Government in other Territories, he could not find in that circumstance a satisfactory reason for voting to cut down this small appropriation. The gentleman from Ohio [Mr. BOND] has opposed it on the score of economy, and had treated it as a matter of pecuniary interest. Sir, I have always regretted that the appropriations which have been made for the new States and Territories seemed to have been connected with purposes of Government speculation. I do not find fault, because the General Government has actually profited more than quadruple beyond all that has been expended by such appropriations. But I would like to see the manifestation of an intention, open and avowed, to benefit the new sections of the country by affording something like a regard for their necessities; and, at least, the appearance of an equivalent for the additional value conferred by the labor of the settlers on the public domain. But, to bring money back to the Treasury, to be collected from those meritorious people, had been, in his opinion, too often the purpose manifested on subjects connected with the new States and Territories. It is upon this account that speculation for the interest of the Government does appear to me to be marked in the face of some acts of Congress in broad and legible characters. I do not complain of the effect of these measures in adding to the Treasury, because, although the Government has too much money, that effect is unavoidable. But we may, in justice, complain of a policy which can find scarcely any objects in the new States and Territories sufficiently laudable and national to receive appropriations, unless the General Government was to be benefited in a still greater degree. Here I meet the gentleman from Ohio on his own position as to the interest of the Government in this case. Make liberal appropriations for all the objects for which it is necessary to expend money in the

new Territory of Wisconsin, and what will be the result? You will thereby draw public attention to that remote and interesting region; you will induce emigration to it; excite competition among purchasers of the public lands; and the proceeds of the sales will be proportionably increased. In support of this view, Mr. K. remarked that there had been granted to Indiana four sections of land for purposes of a seat of Government. It was a stipulation of the grant that the land should be selected in a new, unsettled part of the State, where the public domain was in a wilderness condition. What was the object of this requisition? Why, to compel the State to locate her permanent seat of Government where the lands had not been sold, in order that the Government might sell more land, and at a higher price, than could otherwise be expected. In that particular case, the interests of the Government and of the State were mutually benefited. But the intrinsic, original value of the granted land was nothing compared with the advantages conferred on the United States by the improvements and enterprise of the State.

Under this view, since very little has been done, except for the interest of the Treasury, in the Territories, Mr. K. would have preferred granting to Wisconsin 10,000 acres; but, since that had been struck out, he would go for the largest sum of money proposed; and, as it seemed to be the object to make and save money for the Government, he ventured to say that in cases of this kind large appropriations would be the means of returning to the Treasury quadruple the amount which could otherwise be anticipated. He contended that the people of this new Territory ought to have the most liberal aid. They need it. They are contributing vastly to the revenue in the purchase and settlement of the country, and have already paid to the Government tolls to the amount of millions of pounds of lead for the privilege of working the mines.

The question being taken, it was decided in the negative: Yeas 60, nays 117.

The amendment was then concurred in.

Mr. JOHNSON, of Tennessee, renewed the motion made by him in Committee of the Whole, to strike out the clause appropriating 5,000 dollars for the purchase of a library for the use of the Government of the Territory.

After some remarks from Messrs. SPEIGHT, HAMER, and CAVE JOHNSON, the motion was rejected.

Mr. UNDERWOOD moved to amend the bill by striking out the clause allowing the Governor $2,000 per annum as Governor, and $1,500 as superintendent of Indian affairs, and inserting $2,500 as his salary both as Governor and superintendent of Indian affairs.

Mr. JOHNSON, of Louisiana, said he was in favor of this motion. He had no idea of giving the Governor of this Territory a thousand dollars more than the Governor of Arkansas receives; and, if there was any difference, it should be in favor of Arkansas, where the expenses of living were much greater than in Wisconsin.

Mr. VINTON moved to amend the amendment by striking out five hundred, so as to leave the salary at two thousand dollars, which he thought was high enough. In fixing salaries, some regard ought to be had to the habits of living in the country, and to the facilities for living. Wisconsin was a fertile and abundant country, very productive in wheat and other grain, and a non-slaveholding country; and it might be said that living there was almost as cheap as dirt. The Governor of the State of Ohio, with twelve hundred thousand inhabitants, received a salary of only one thousand dollars, and the judges of the supreme court of that State received only twelve hundred dollars. He did not say that these salaries were sufficient. He thought they were not. But there had never been any difficulty in finding suitable persons to take the offices.

The expenses of a Governor living in a log cabin in Wisconsin could not be equal to those of a person holding the same office in Ohio. Wisconsin was almost out of the world, and its Governor could not be subjected to those expenses, in the entertainment of visiters, which, in the States, were unavoidable. It was said that these inhabitants of Territories were our children, and must be treated with indulgence and liberality; but he thought the best way of bringing up children was to accustom them to take care of themselves. If one thousand dollars was enough for the Governor of Ohio, certainly two thousand was sufficient for the salary of the Governor of Wisconsin.

Mr. WISE remarked that it was a matter of perfect indifference whether the salary of the Governor was fixed at one cent or at one million. If he was to be a superintendent of Indian affairs, and Governor of a Territory where there was public land, he would get money enough any how.

Mr. CAVE JOHNSON asked what was the salary of the Governor of Michigan.

Mr. ASHLEY said the Governor of Michigan had a salary of one thousand five hundred dollars for his services as Governor, and an additional sum as superintendent of Indian affairs. He was at a loss to know how the Governor of Ohio could live on a salary of one thousand dollars, and he did not believe he could live on it. He had no idea of sending a man into this Territory on his own expenses. In his opinion, the expenses attending the office of Governor of Wisconsin would be much greater than those of Ohio or Kentucky. The Governor of this Territory would be the great father of all the Indians within it, and he would be frequently compelled to receive and entertain them. His expenses on this account, in twelve months, would not be less than one thousand dollars. Again: the responsibility and labor of this officer was greater than that of a Governor of any of the States. He was obliged to fix his eye upon every body around him—upon the citizens of the Territory and upon the Indians. Mr. A. spoke of the salary of the Governor of Arkansas as being equal to that proposed in the bill.

[Mr. SEVIER stated that the salary of the Governor of Arkansas was two thousand dollars, and that he formerly received five hundred for extra services in relation to the Indians.]

Mr. ASHLEY continued. He was in favor of liberal salaries, and was truly sorry to hear that the Governor of Ohio received only one thousand dollars a year; but he would not suffer that circumstance to govern his vote on this motion.

The motion of Mr. VINTON to amend the amendment was then rejected, by a vote of 75 to 76.

The motion of Mr. UNDERWOOD to amend the bill was then agreed to.

Mr. HARDIN moved to strike out five thousand, and insert two thousand dollars, as the sum allowed for the purchase of a library; which motion was rejected.

Mr. HOWELL moved an amendment to the bill, altering the eastern boundary of the Territory; which motion, after some debate, in which Messrs. HOWELL, JONES, HARDIN, THOMAS, TOUCEY, and HAMER, took part, was rejected.

Mr. CUSHMAN moved to amend the bill by striking out the words "during good behaviour," in the clause fixing the tenure of the territorial judges, and inserting in lieu thereof the words "for four years."

Mr. WISE said the only federal tenure, the only judicial tenure, known to the constitution and laws was, if he was correctly informed, "during good behaviour." He had never heard of any other. This consideration was a sufficient objection to the amendment, but he had one which was still greater. The amendment was a

proposition to increase the patronage of the Executive. The judicial officers were the only officers of the Government whom the President could not remove at pleasure; and if this amendment were adopted, we might see a worthy man and a good judge turned out, to make room for a friend of the party. This was a part of the spoils system. Already had the President sufficient power over the Territories and new States, as had been fully demonstrated of late years; and when we give the President the appointment of all the judicial officers of the Territories once in four years, his influence would be greatly increased. He had heard already, this winter, of a delegation war about a judicial appointment in a State; and it was asserted that the recommendation which ultimately prevailed was, that the candidate who succeeded was a good and faithful member of *the* democratic party. The question before the President in that case was not, is he a worthy man, a good lawyer, a righteous judge? but, is he a faithful member of the party?

Mr. BOON here rose, and said he presumed he understood the allusion of the gentleman. He referred to an appointment made in Indiana. He would beg leave to set the gentleman right.

Mr. WISE said he had not spoke of any State or person. Both of the candidates, as he had understood, were members of the party; and the question was not, which was the more honest and capable? but, which was the more faithful to the party? If this amendment were adopted, we might have this same question, every four years, in regard to the judges of the Territories. This was the object, as he was led to fear, in consequence of the quarter from which the proposition came. He never could consent that the Judiciary, as well as both Houses of Congress, should be prostrated before the Executive. Let us (said Mr. W.) have one department of the Government independent, and faithful to the constitution and the laws.

Mr. LANE was, he said, in favor of the motion; and he went on to make some explanations in regard to the remarks of the gentleman from Virginia, in reference to the appointment of a judge in Indiana.

Mr. HAMER called the gentleman to order.

The CHAIR decided that the remarks of the gentleman were out of order.

Mr. WISE begged leave to subjoin an argument which he had intended to offer when he was up before. He called the attention of the House to the following clause in the constitution: "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office." He presumed, he said, that this would be deemed a conclusive argument against the proposition.

Mr. SPEIGHT appealed to the gentleman from New Hampshire to withdraw the motion.

Mr. HAMER said there was no new principle in the motion. The judges of all the Territories had been appointed for four years.

Mr. HOAR said he was not able to contradict this statement, but certainly there could be no difference of opinion in regard to the construction of the clause of the constitution read by the gentleman from Virginia. If a law had ever passed fixing the tenure of territorial judges upon any other principle than that of good behaviour, it must have been because the attention of Congress was not called to the question.

Mr. HAMER said the gentleman was undoubtedly correct as to the Judiciary of the United States, but this was the first time he ever heard it intimated that Congress had not the power to limit the term of the territorial judges.

Mr. HOAR replied, that if the gentleman had never heard it before, it was because the subject had never before been brought into discussion. If the proposition now before the House had ever been passed, it was by inadvertence.

Mr. PEARCE, of Maryland, said he had risen for the purpose of stating that this subject had not been passed upon in the committee without investigation and discussion. The chairman, at an early period after the reference of the bill, had called the attention of the committee to this part of it, and to that article of the constitution which fixes the tenure of judicial office. This constitutional provision had regulated the action of the committee in this matter. They had not entered into the consideration of what was expedient, because they had this higher rule of action. The constitution vests the judicial power of the United States in a Supreme Court and such inferior courts as Congress shall, from time to time, establish, and prescribes that the judges, both of the supreme and inferior courts, shall hold their offices during good behaviour. The third section of the fourth article gives to Congress power to make all needful rules and regulations for the territory of the United States. But the committee supposed that Congress, in the exercise of this power, were liable to all the inhibitions, and bound by every fundamental principle prescribed in the constitution. The discretion with which they were invested was not arbitrary and unlimited, but restrained by the general provisions of the constitution. If not restrained by each and every constitutional principle, the power of legislating for the Territories was not restrained at all, and it followed that Congress, in passing any regulation which they deemed needful and proper, were absolved from all constitutional obligations, however imperative they might be in other cases. This the committee thought a *reductio ad absurdum;* they therefore rejected it, and followed the general constitutional rule of judicial tenure.

It has been said, sir, that the courts proposed to be established in the Wisconsin Territory are not courts of the United States, within the meaning of the constitution. But the committee could perceive no principle which made these courts an exception; a part of the judicial power of the United States is vested in them; they derive their existence from the Government of the United States; the judicial system which they are created to administer is established by the Government of the United States; the judges are appointed, paid, and liable to impeachment, by the Government of the United States. The only difference seems to be, that the residence of the judges and the seat of justice must be within the limits of a Territory instead of a State.

The committee were well aware that a different precedent had been set in other Territories, but they could not perceive any reason for these precedents, nor acknowledge their obligation to be as valid and binding as that of an express constitutional requisition. They supposed that Congress had hitherto legislated on this subject without careful reference to the constitution, and, at all events, their departure from the provisions of that instrument would not authorize us to disregard it now.

Mr. TOUCEY remarked that, in four or five years, Wisconsin would come into the Union, and form a State constitution of her own. We were not now forming a constitution for her, and resorting to original principles, but were merely administering the constitution of the United States as it is. The judges of the Territories, when appointed, hold their offices under the constitution of the United States, and not under that of any of the States. If the gentleman who made this motion was of a different opinion, he would beg him not to embarrass the passage of this bill by pressing the question now.

Mr. CUSHMAN, after remarking that he did not wish to delay the bill by this discussion, withdrew the motion.

The bill was then ordered to be engrossed for a third reading, and was read a third time and passed.

RETRENCHMENT.

Mr. ROBERTSON asked the consent of the House to offer certain resolutions; which were read, as follows:

1. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire and report to this House what retrenchments, if any, can be made, with safety to the public interests, in the annual expenses of Congress.

2. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire and report to this House whether any retrenchment can be made with safety to the public interest, in the expenses of the Treasury Department; whether an effective system of accountability for the collection and disbursement of the public money is there established; whether banks be necessary for the fiscal purposes of the Government; whether the intercourse of the Department with the deposite banks, or any of them, has been or is conducted through the instrumentality of an intermediary agent; if so, whether such agent receives compensation for his services; and, if so, by whom the same is paid; and whether communications between such agent and the Department are verbal or in writing, and regarded by the Department as public and official, or private and confidential; whether it is, or has been, the practice of the Department to make transfers of public moneys from one bank or place of deposite to another, for the accommodation, use, or benefit, of banking institutions, or for any other purpose than to meet the exigencies of the Government; whether it is, or has been, the practice or usage of the Departments to draw from the Treasury moneys appropriated for the public service, in sums not necessary for immediate use; if so, to what extent, and for what purposes, and whether, in any case, payments of money are or have been made or authorized, out of moneys in the hands of public collectors, or in places of deposite, without previous appropriation or previous warrant.

3. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire and report to this House what retrenchments, if any, can be made with safety to the public interest, in the expenses of the Navy Department.

4. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire and report to this House what retrenchments, if any, can be made in the expenses of the Department of War.

5. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire and report to this House what retrenchments, if any, can be made with safety to the public interest, in the expenses of the department of Indian Affairs; whether any defects exist in the organization or regulation of the said department, or abuses in the management of its affairs; and, if so, in what manner the same should be corrected or prevented.

6. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire and report to this House what retrenchment, if any, can be made with safety to the public interest, in the expenses of the General Land Office and Bounty Land Office; whether any defects exist in the organization or regulations of said offices, or neglect of duties confided to those who have the management or superintendency of the said offices; and, if so, the best means of remedying such defects, and of correcting and preventing such abuses. Also, to inquire what abuses or frauds, if any, have taken place, or exist, in the management of the sales of the public lands, by the registers or receivers of the several land offices, or by other persons; whether any illegal or improper speculations have been entered into by the said registers or receivers in the lands sold by them, or in the Indian reservations; whether the said registers or receivers, or any of them, have received compensation from persons applying to become purchasers of public lands, or have become interested in their purchases; whether the said receivers have duly and faithfully paid over the moneys received by them according to instructions from the Treasury Department; and in general to inquire into the management of the offices of the said registers and receivers, and into the manner of making sales or purchases of public lands; to point out the defects or frauds, if any, in such management and sales, and suggest such measures as the public interest may require.

7. *Resolved*, That a select committee be appointed, whose duty it shall be revise the laws relative to the privilege of franking; to inquire into the expediency of limiting, or more accurately defining, the said privilege; of authorizing the transmission of all public documents, official communications, and newspapers, free of postage, and of increasing the postage upon magazines and pamphlets, other than those published by order of Congress, or either House thereof.

8. *Resolved*, That the several committees appointed to inquire into the expediency of retrenching the expenses of the several Departments be instructed also to inquire whether any abuses exist in soliciting or procuring clerkships or appointments in the same, and in the payment or receipt of the salaries annexed to such clerkships or appointments.

9. *Resolved*, That each of the foregoing committees be authorized to send for persons and papers, and to report by bill or otherwise.

10. *Resolved*, That it be a standing rule of this House that in the appointment of all committees, standing or select, by the Speaker, it shall be his duty to appoint a majority, at the least, of the members thereof, without respect to party, of the individuals in his judgment most competent and most disposed to perform the duties prescribed to said committees, respectively, and promote the objects contemplated in their appointment.

Objection being made,

Mr. ROBERTSON moved a suspension of the rules in order to enable him to offer the resolutions indicated.

Mr. MILLIGAN asked the yeas and nays on this motion, and they were ordered.

The question being taken, it was decided in the negative: Yeas 83, nays 83. There not being two thirds voting in the affirmative, the motion was lost.

PEA PATCH ISLAND.

The bill to authorize a compromise, and to secure to the United States the title to Pea Patch island, in the river Delaware, coming up,

Mr. MILLIGAN said he was not in his seat the other day when this bill was before the committee, or he should have responded to the call which he understood was made on him by his friend from Ohio, [Mr. WHITTLESEY.] That honorable gentleman, knowing that it related to a matter which might possibly affect the State which he (Mr. M.) had the honor to respresent on this floor, naturally supposed he could not be indifferent to its fate. Nor was he so; and had he been present on that occasion, he should certainly have objected then, as he did now, to the adoption of this measure.

What (asked Mr. M.) is this bill, and what does it propose? It is a bill making an appropriation of thirty thousand dollars of the public money; and it proposes, with this sum, to compromise a title, or, in other words, to purchase all the right and title set up by a certain individual to an island in the river Delaware, called the Pea Patch, on which Fort Delaware stood until it was unfortunately destroyed by fire, and where it is the intention of the Government to reconstruct it.

The occupancy of this island is now, and has been for

some time past, in the Government of the United States. The Government derived its right to it from the State of Delaware, who ceded it by an act of the Legislature in 1813, on the sole condition that a fort was to be erected and maintained. The State of Delaware derived its title through a grant from the Duke of York to William Penn, in the reign of King Charles II.

The words of description in that grant were the following: "All that town of New Castle, otherwise called Delaware, and all that tract of land lying within the compass or circle of twelve miles about the same, situate, lying, and being, upon the river Delaware, in America, and all islands in the said river Delaware, and the said river and soil thereof, lying north of the southernmost part of said circle of twelve miles about the said town, together with all rents, services, royalties, franchises, duties, jurisdictions, liberties, and privileges, thereunto belonging."

And by a subsequent deed of feoffment, executed on the 24th of August, 1682, the Duke of York further granted to William Penn "all that tract of land upon Delaware river and bay, beginning twelve miles south from the town of New Castle, otherwise called Delaware, and entering so to the Hoar kills, otherwise called Cape Henlopen, together with the rivers, &c., situated in, or belonging unto, the limits and bounds aforesaid;" thus conveying to that distinguished personage a clear title to what was formerly called "the three lower counties upon Delaware." And under these grants the State of Delaware has always claimed and exercised exclusive title and jurisdiction in and over the waters of Delaware within these limits. The island in question falls within these bounds, and, up to the time of cession, I consider that the title of Delaware to it was good against the world.

Before the present claimant, then, who is to be relieved by this bill, can properly call upon Congress to pay this or any other sum on account of his claim, he ought to show that he has really some title to dispose of. And how is this fact to be established? Why, precisely as all other facts of a similar character are ascertained: to wit, by going to the courts, by instituting legal proceedings, by a jury trial, by an action of ejectment, where he who holds the strongest and the best title will recover. And, according to this report, the claimant understands this process, having once before resorted to the judicial tribunals of the country. It seems that, soon after the cession from Delaware, he actually commenced a suit in the circuit court of the United States for the Jersey district, against the agents of the General Government, to recover back possession. But, for some reason, best known to himself and his legal advisers, he suffered a nonsuit in October term, 1820. Why did he not prosecute his cause to a conclusion? Such would have been the natural course of one who had any confidence in his claim, and his failing to do so raises a strong presumption against it.

Again, sir, (said Mr. M.,) even admitting that there was some doubt with regard to the title, that alone is not sufficient to warrant this appropriation. For I find, on looking into the report, a document purporting to be an agreement, by which the claimant, through his authorized agent, has bound himself to transfer to the United States all his right and title to this property, for the sum of seventeen thousand dollars, whenever the Government shall be satisfied as to its validity. Now, I ask, (said Mr. M.,) where is the evidence of this fact? Give us the proof that the United States are satisfied on this point. Can you find it in the opinion of the Attorney General, the law officer of the United States? Undoubtedly not. He has expressed doubts, but he has cautiously withheld the expression of any decided opinion on the merits. Have the Judiciary Committee of this House, who are supposed to have peculiar cognizance of all legal questions, investigated this matter? Never, sir. It has never been before them for their judgment. This bill comes from the Committee on Military Affairs, accompanied by, I must say, with all due respect for those gentlemen, a most strange report—strange, because, like the Attorney General, they give no express opinion on the question of title. They content themselves by quoting a brief, prepared by the district attorney of the United States for the district of New Jersey, in favor of admitting the claim, wholly suppressing, at the same time, the argument furnished by the district attorney for the Delaware district, and also that of the late distinguished Cæsar A. Rodney, who was employed by the United States in the case alluded to, both going directly against the claim. How, then, can it be pretended that the Government of the United States are satisfied as to its validity, the condition precedent upon which the money was to be paid?

The truth is, sir, it has no foundation whatever in law or equity, and, if it be submitted to the scrutiny of a judicial investigation, it will so appear.

Let the party, then, go to the courts. There is the proper place to pursue and to vindicate his rights. The United States owe it to themselves, to the importance of the subject, to have this question tested by the severest trial. They owe it, likewise, to the State by whom the cession was made, and whose rights may be deeply affected by a decision. For, let me tell you, sir, if that State had no right to this island under the grant referred to, she has no right to Reedy Island, where you are about to erect piers—she has no right to Bombay Hook, on which you have already built a light-house—and she has no right or jurisdiction over that spot at the mouth of Delaware bay where, with a laudable zeal, you are now rearing, at immense cost, a noble pile of granite, to shelter your commerce against the storms of the ocean. Pass this bill, sir, under the delusive pretext of quieting a title to property which you now own, and you will awaken more claims against the United States than even your overflowing and redundant Treasury can satisfy. Upon every principle, both of expediency and justice, it ought to be rejected.

Mr. THOMSON, of Ohio, and Mr. HARDIN, followed—the former in favor of the bill, and the latter in opposition to it.

Mr. HARDIN moved to postpone the further consideration of the bill till Friday next.

After some discussion on this motion, in which the merits of the bill were also debated,

Mr. LANE moved an adjournment; which was agreed to; and

The House adjourned.

SATURDAY, APRIL 9.

RETRENCHMENT AND REFORM.

Mr. ROBERTSON asked and obtained permission of the House to make an explanation, for the purpose of relieving himself and one of the officers of the House from the supposition that, in one of the resolutions he offered yesterday, he had intended to wound the feelings of the Speaker. It would be recollected that he offered several resolutions, having for their object an investigation into the great subject of retrenchment and reform. There was one resolution, touching the appointment of committees, which, he had been informed, was supposed to reflect upon the conduct of the present Speaker, and as implying censure upon him. He rose for the purpose of declaring, candidly and distinctly, that such was not the object or intention of the resolution. He would state what his object was. He had not supposed that the Speaker had violated his duty or the usage of the House

in the appointment of committees, but that he had strictly conformed to it. But his object was to imbody in a resolution what he thought should be a rule of the House, that the Speaker should select members of committees with regard to their fitness to accomplish the object desired, and should not in any manner regard political parties. It is distinctly known, the fact could not be disguised, that at present, and perhaps from the first establishment of the Government, a very large proportion of the committees are headed by, and a majority of their members composed of, gentlemen of one political complexion. He had not supposed the Speaker had violated, but had conformed to, this usage. He had, however, an idea, perhaps a vain one, that regard should be had alone to the despatch of business, and the qualifications of gentlemen for particular duties, and not to their political opinions.

I assure you, sir, (continued Mr. R.,) that nothing in your conduct towards me, either in the chair or out of it, has occurred to induce me to inflict a wound upon your feelings.

He would withdraw that resolution, and respectfully ask leave to offer the remaining resolutions in a more condensed form. He hoped the House would permit the question to be taken on them. It might be said it was too late in the session; but it was well known that there had but seldom been an opportunity of offering resolutions during this session, in consequence of the peculiar arrangement of business. During the last Congress a resolution on similar subjects had been introduced as late as the 10th of April, and the committee for investigating the Post Office Department as late as the 26th of June. He considered one of these resolutions, at least, as of great importance—that touching an investigation of the Land Office; and this duty could not be well performed, except by a committee, well versed in in such matters, that should be appointed to sit in the recess, and visit the offices of the registers and receivers in person.

Mr. GALBRAITH, from the Committee of Claims, reported a bill for the relief of the heirs of James Latham, with an amendment.

Mr. VINTON made some remarks in favor of the amendment, and was replied to by Mr. RIPLEY, who was opposed to its adoption.

Before any question was taken, Mr. WHITTLESEY called for the orders of the day.

Mr. ROBERTSON asked leave to offer the resolutions presented by him yesterday; which being objected to, he moved a suspension of the rules, and desired the yeas and nays on that motion.

The reading of the resolutions was then called for, and objected to, when Mr. ROBERTSON moved a suspension of the rules to allow of their being read, and called for the yeas and nays on that motion.

Mr. VANDERPOEL moved to lay both motions on the table; which motion, having been ordered to be taken by yeas and nays, was put, and decided in the affirmative: Yeas 98, nays 75.

Mr. HANNEGAN asked the consent of the House to offer the following resolution:

Resolved, That the second Monday in May, and the three succeeding days, after the hour of 12 o'clock, be set apart for the consideration of the bill to graduate and reduce the price of the public lands, and such other propositions as may be involved in the final settlement of the question, provided so much time as above specified shall be required for the purpose.

Objection being made, Mr. HANNEGAN moved to suspend the rule to enable him to offer his resolution, and asked that it be read for information.

Mr. MERCER said, as a similar request had just been denied his respectable and honorable colleague, [Mr. ROBERTSON,] he must object to the reading of this resolution.

Mr. HANNEGAN did not expect to meet with this captious objection from the gentleman last up. He would, however, not press his proposition at that time.

Mr. WISE rose again to ask the consent of the House (notwithstanding the notice which he said he had given that he would not again press the proposition) to permit him to offer a resolution in reference to the agency &c., connected with the deposites of the public moneys.

Mr. W. read the resolution, and remarked that he understood several gentlemen had voted against its introduction on a former day, on account of the preamble. He had withdrawn the preamble, and he hoped the resolution would be received and adopted without debate.

Objection being made, Mr. WISE moved to suspend the rules to enable him to present the resolution, and asked for the yeas and nays; which were ordered.

Mr. FRENCH moved to lay the motion to suspend the rules on the table.

Mr. WISE asked for the yeas and nays on the latter motion; which were ordered, and were: Yeas 95, nays 82:

YEAS—Messrs. Anthony, Ash, Bean, Boon, Bovee, Buchanan, Burns, Casey, Chaney, Chapin, Cleveland, Coffee, Connor, Craig, Cramer, Cushman, Dickerson, Dromgoole, Dunlap, Efner, Fairfield, Farlin, French, William K. Fuller, Galbraith, Gillet, Glascock, J. Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Henderson, Holsey, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Joseph Johnson, R. M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Job Mann, Manning, William Mason, Moses Mason, May, McKim, McLene, Moore, Owens, Page, Parker, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Seymour, Shinn, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Ward, Webster, Weeks, Whittlesey--95.

NAYS—Messrs. Chilton Allan, Heman Allen, Ashley, Bailey, Bell, Bond, Bouldin, Boyd, Bunch, John Calhoon, William B. Calhoun, Cambreleng, Campbell, Carter, George Chambers, Nathaniel H. Claiborne, John F. H. Claiborne, Corwin, Crane, Cushing, Darlington, Doubleday, Evans, Everett, Fry, Philo C. Fuller, James Garland, Rice Garland, Granger, Grantland, Grennell, Griffin, Haley, Hiland Hall, Hard, Hardin, Harper, Hazeltine, Hoar, Hopkins, Howell, Ingersoll, Janes, Jarvis, Jenifer, Henry Johnson, John W. Jones, Lawler, Luke Lea, Lewis, Lincoln, Love, Martin, John Y. Mason, McCarty, McComas, McKennan, Mercer, Milligan, Morgan, Morris, Pettigrew, Peyton, Potts, Reed, Rencher, Robertson, Russell, Augustine H. Shepperd, Shields, Slade, Sloane, Spangler, Standefer, Storer, Taliaferro, Underwood, Vinton, Washington, Lewis Williams, Sherrod Williams, Wise--82.

So the motion to suspend the rules was laid on the table.

The orders of the day were then taken up, and the House proceeded to the consideration of such private bills as would not give rise to debate; when several bills were taken up, read a third time, and passed.

The House then resumed the consideration of the bill to authorize a compromise, and to secure to the United States the title to the Pea Patch Island, in the river Delaware.

Some debate was had on the subject by Mr. HARDIN, and Mr. ROBERTSON, of Virginia, when Mr. PEYTON took the floor; but, after a short time, gave way,

without concluding his remarks, to a motion that the House adjourn.

The House accordingly adjourned.

Monday, April 11.

THE PUBLIC LANDS.

The resolutions from the Legislature of Kentucky, directing the Senators and requesting the Representatives of that State to vote for a bill to distribute the revenue arising from sales of public lands among the several States, for the purposes of internal improvement and education, being first in order, were taken up.

Mr. SPEIGHT moved to postpone the consideration of those resolutions, for the purpose of receiving petitions and memorials, and such resolutions as would not give rise to debate.

Mr. GRAVES remarked that he hoped the House would not allow the consideration of any other subject to supersede that of the resolutions of the Kentucky Legislature, now before it. Only about one hour on each Monday can be devoted to the consideration of them, under the present order of business; and it seemed to him that a subject of such general interest is at least entitled to this small portion of our time. The distribution of the sales of the public lands is a subject in which every State in this Union feels a deep interest, and it ought not to be set aside without some good reason. The object of the gentleman from North Carolina, in suspending the consideration of this subject for the purpose of receiving petitions, may be attained by dispensing with the rules to-morrow for that purpose. And he (Mr. G.) was unable to account why that gentleman had chosen to make his motion to-day, when he knows the effect of it will be to occupy the very small portion of time allotted by the House to this subject, one in which Kentucky has a much greater direct interest than any other upon which this Congress will likely act. I trust, sir, the motion will not prevail.

Mr. CHAPIN suggested to the gentleman from North Carolina a modification, that the House should proceed to receive petitions and resolutions; and afterwards should proceed to the consideration of the resolutions.

Mr. BOON thought that the resolutions involved questions important to be settled, and especially important to the people of the State he represented. He said they could come up but once a week, and he hoped they would be discussed and disposed of without delay.

The question was then taken on postponing the further consideration of the Kentucky resolutions, and decided in the affirmative without a count.

DEPOSITE BANKS.

Mr. WISE offered the following resolution; which was read:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the agency or mode of selecting the banks of deposite for the public money, and into the contracts with the Treasury Department, by which they are regulated, and into the manner in which, and the persons by whom, such contracts are made; and to inquire whether any, and, if any, what connexion or relation, official or unofficial, exists, or has existed, between a certain Reuben M. Whitney and the Treasury Department of the United States, or between him and the banks of deposite of the public money, and into the extent of his agency generally, in keeping and controlling the public money, and into the amount of his compensation, whether the same be paid out of the public Treasury or by the deposite banks; and that said committee have leave to report by bill or otherwise.

Objections having been made,

Mr. WISE moved to suspend the rules for the purpose of enabling him to offer the resolution; and thereupon the yeas and nays were ordered.

The question being taken, the motion was rejected: Yeas 85, nays 82—not two thirds.

Mr. TALIAFERRO having offered a resolution, Mr. WISE objected to its reception, with a view to test the sense of the House in regard to the construction of the order adopted by the House this morning, for the presentation of petitions and resolutions.

The CHAIR stated that he had understood it to be the intention of the House to direct that those resolutions only which were not excepted to should be received, and that the resolution now objected to could not be received, under the order of the House.

Mr. WISE appealed from the decision of the Chair, and some conversation took place on the subject, which was interrupted by the arrival of the hour of one o'clock, when the special order was called for.

Mr. W. moved that the rules be suspended for the purpose of continuing the call of the States for petitions and resolutions giving rise to no debate; which motion was rejected.

On motion of Mr. WEBSTER, the rules were suspended for the purpose of continuing the call of the States for petitions, excluding those which might give rise to debate.

Several petitions and memorials were then presented and referred.

EXPURGATION OF THE JOURNALS.

Mr. JENIFER offered to present certain resolutions passed by the Legislature of Maryland, protesting against the expunction from the journals of the proceedings of either House of Congress.

Mr. THOMAS objected to the reception of the resolutions at this time.

Mr. JENIFER asked for the reading of the resolutions, and he should move that they be printed.

Mr. THOMAS objected to any action on the resolutions to-day, and hoped they would be laid over until Monday next, when, under the rules, they could be debated.

Mr. JENIFER said he had hoped that the resolutions would have been presented either by his colleague or one of his friends from the city of Baltimore; he should have been happy to have had the benefit of their advice as to their disposition; but he hoped they would be read, as he discovered a disposition to suppress them entirely.

Mr. THOMAS said he was misunderstood by his colleague. He did not object to the reception of these resolutions on account of their contents, but it was unnecessary to read them. He knew they professed to express the voice of the people of Maryland. Now, whether they attempted to give that voice as to one question or another, he should equally protest against their reception this morning. The House has suspended its rules to receive petitions and such resolutions as will give rise to no debate. Whenever any resolution shall be presented, designed to produce impressions as to the opinions of the people of Maryland, he desired to have an opportunity to show that the Legislature of Maryland ought not to be considered a fair exponent of the popular will. The character of the Government of that State is such, that the majority have been ruled by the minority for years. Under such circumstances, it ill becomes any man to parade before the country resolutions of the Maryland Legislature as evidence that the people of the State are for or against any particular measure of national policy. Let the gentleman present his resolutions on next Monday, or any other day, when the rules of the House do not forbid all explanation or discussion; and then he (Mr. T.) would take care to make

such explanations as to the organization of the Government of Maryland as would guard against false impressions. He would show that, in consequence of the unjust apportionment of representation, two thirds of the people might be for, and yet two thirds of the Maryland Legislature would be against, any particular measure of national policy. If gentlemen are disposed to do that which is fair, they will not press the presentation of these resolutions now, when all explanations are out of order.

The resolutions were then laid over till Monday next.

ANTI-SLAVERY MEMORIAL.

Mr. SLADE, who stated he was out of his seat when the State of Vermont was called, then rose and presented a memorial from Dr. Atley and eighty-five other individuals, representing themselves to be citizens of Philadelphia, against the admission of Arkansas into the Union with a constitution which sanctions the existence of slavery, and prohibits the abolition thereof. Mr. S. moved its reading.

Objections being made to its reading, Mr. SLADE said he claimed that right.

Mr. SPEIGHT inquired whether the petition should not be referred, as a matter of course, to the committee raised under Mr. PINCKNEY's resolution.

The CHAIR had not examined the petition, and could not judge of its character.

Mr. HANNEGAN moved to lay the memorial on the table.

Mr. SLADE insisted upon his right to have the petition read, and he made a motion accordingly.

The CHAIR decided that the petition must first be read, before any question could be put upon it, as the gentleman insisted.

Mr. CUSHMAN moved to lay the motion to read on the table.

The CHAIR pronounced that motion then out of order.

Mr. GLASCOCK asked if the petition had been received.

The CHAIR said the gentleman from Vermont rose in his place to present the petition, and no objection being made at the time, the Chair considered leave had been granted, and thus the petition had been received.

Mr. HANNEGAN then moved to reconsider the motion by which leave had been granted to the member from Vermont to present the petition.

After some remarks from Messrs. SPEIGHT, GLASCOCK, WISE, HANNEGAN, and SLADE,

Mr. SLADE said, if the gentleman from Indiana insisted upon his motion to reconsider, Mr. S. should raise and insist upon the question of order, whether the gentleman could object to the offering or reception of any petition under the order adopted that morning.

Mr. HIESTER asked for the yeas and nays on the motion to reconsider; which were ordered.

Mr. CAMBRELENG inquired if the whole subject ought not to go over until next petition day.

The CHAIR stated that the memorial would be referred, as a matter of course, to the select committee upon the subject of abolition, if the motion to reconsider were not pending. Whereupon,

Mr. HANNEGAN withdrew his motion to reconsider, and

The CHAIR announced that the memorial was referred to that committee.

Mr. SLADE renewed the call for the reading of the memorial.

Mr. LOVE, of New York, raised the question of order, that the pending question on the withdrawal of the motion to reconsider was, that the memorial be read, and that the petition had not been referred.

Mr. SLADE again insisted on the reading.

The CHAIR decided that it would require a vote of the House.

After some remarks by Messrs. TOUCEY, EVERETT, SLADE, and MASON of Virginia, pending the question of order,

The House adjourned.

TUESDAY, APRIL 12.

TERRITORIAL BILLS.

On motion of Mr. WHITE, of Florida, the rules were suspended for the purpose of enabling him to offer the following resolution:

Resolved, That this House will, from twelve until nine o'clock, on next Wednesday, Thursday, and Friday, consider and dispose of bills relating to the Territories and the citizens thereof, with the exception of the bills for the admission of Michigan and Arkansas into the Union.

Mr. THOMAS moved to amend the resolution by adding thereto the following: And that the bill to establish the northern boundary line of the State of Ohio, and to admit Michigan into the Union, on terms therein expressed, and the bill to admit Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes, shall be the order of the day, and have precedence over all other business, after one o'clock, on Thursday, Friday, and Saturday next, until they are disposed of.

Mr. WISE moved to amend the amendment by providing that, after the above bills are disposed of, the following resolution shall be considered:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposite for the public money; the contracts with the Treasury Department, by which they are regulated; the manner in which, and the persons by whom, such contracts are or have been made; into all correspondence whatsoever touching contracts for the deposite of the public money; and into all connexion or relation, official or unofficial, which exists, or has existed, between any person or persons and the Treasury Department, or between them and the deposite banks, or any individuals or banks, touching the custody and the control and deposite of the public money; or between any department of the Executive, and any individual or individuals or banks, touching the disbursements of the public money, appropriated or unappropriated by law; and into the amount of compensation of any or all agents whatsoever, official or unofficial, connected with the said Department or said banks, touching the disbursement, safe keeping, or deposite, of the public money; and that said committee have leave to report by bill or otherwise.

Mr. WHITE moved the previous question; which was not seconded.

Mr. WISE called for the yeas and nays on his motion to amend, but they were refused.

The motion was then rejected.

Mr. WHITE accepted, as a modification, the motion to amend offered by the gentleman from Maryland, [Mr. THOMAS.]

Mr. WILLIAMS, of Kentucky, called for the yeas and nays on the adoption of the resolution, as modified, and they were ordered.

On motion of Mr. P. C. FULLER, the resolution was divided; and the question being taken on the first branch of the proposition, setting apart an hour, on Wednesday, Thursday, and Friday, for the consideration of bills relative to the Territories and the citizens thereof, it was decided in the affirmative: Yeas 145, nays 39.

The question being then taken on the remaining part of the proposition, there appeared: Yeas 120, nays 69.

There not being two thirds voting in the affirmative, the second branch of the resolution was not agreed to.

Mr. GALBRAITH moved to reconsider the vote by which the House adopted the first branch of the resolution.

Mr. EVANS moved to lay the motion to reconsider on the table; which motion was lost.

The question was taken on the motion to reconsider, and carried in the affirmative.

Mr. SPEIGHT then moved to lay the resolution on the table, and it was agreed to.

DEPOSITE BANKS.

Mr. OWENS, from the Committee of Ways and Means, reported the following resolution:

Resolved, That the bill reported by the Committee of Ways and Means, regulating the deposite of the money of the United States in certain local banks, be made the special order of the day for the first Wednesday in May next, at twelve o'clock, provided the appropriation bills be at that time disposed of; and in case said appropriation bills be not then acted on, then on the day next after their disposition; and that the said bill in relation to the deposite banks have precedence on the first Wednesday in May next, or the day after the disposition of the appropriation bills, and the following days, over all other business, until the same is disposed of.

Mr. WISE moved to amend the resolution, so as to embrace the resolution heretofore indicated by him, and published above.

The CHAIR stated that both the resolution and the motion would lie over.

The hour of one o'clock having arrived, the special order was called for.

Mr. CAMBRELENG moved to take up the bill for the repeal of the 14th section of the charter of the Bank of the United States. He remarked that he had information which showed that there was an urgent necessity for passing this bill.

Mr. DUNLAP objected to the motion, and insisted that the special orders should either be executed or rescinded, so as to disenthral the business of the House from them.

Mr. CAMBRELENG remarked that he had a letter from the cashier of the branch bank at Savannah, stating that he was not authorized to redeem the notes of that branch. Mr. C. said the notes of the branches were now redeemable nowhere but in Philadelphia. He moved a suspension of the rules in order to permit him to offer the motion; and thereupon he asked the yeas and nays; which were ordered.

The question being taken, it was determined in the affirmative: Yeas 135, nays 36.

Mr. CAMBRELENG remarked that a letter had been received from a Government director of the bank, stating that all the branches of the bank were considered at an end, and that the new Bank of the United States issued only the notes of the old bank. He also sent to the Chair a letter from the cashier of the branch bank at Savannah, in which he declines the payment of $27,000 in bills issued by that branch; and stating that he is not authorized to receive the bills of the bank, except by receiving them in payment for debts; and adding that the notes would be paid on presentation in Philadelphia.

The following is the letter referred to by Mr. CAMBRELENG:

"SIR: I have received your letter of this date, asking payment of certain bills of the Bank of the United States, and have in reply to say that the charter of that institution having expired on the 3d of March last, and with it my office of cashier of the branch in this city, I am no longer authorized to redeem the bills of the bank, except by receiving them in payment of debt. I will add, that any amount of these bills which you may hold will be promptly paid on presentment in Philadelphia.

"JAMES HUNTER, *Agent*."

Mr. PEYTON rose to move an amendment to the bill, which would not, in the slightest degree, interfere with the object of the gentleman from New York. The amendment he wished to propose was one of great importance, not only to that House, but to the people of the United States; for it involved nothing less than regulating, by law, the whole treasure of the country. In substance, it was the same resolution he had heretofore attempted to move, changing only the day from the second to the third Monday in May. The resolution was as follows:

Resolved, That the bill reported by the Committee of Ways and Means, entitled "A bill regulating the deposite of the money of the United States in certain local banks," together with any amendments which may be offered to the same, be made the special order of the day, and that it have precedence over all other business of the House, from the hour of twelve o'clock on the third Monday in May next, and on each succeeding day, from the same hour, Fridays and Saturdays excepted, until the same shall be finally disposed of.

The CHAIR said it was not in order to move an amendment fixing a day for the consideration of another subject.

Mr. CHAMBERS, of Pennsylvania, remarked that he would vote for the bill, but from considerations very different from those which influenced the chairman of the Committee of Ways and Means, who reported the bill. He would do it from no hostility to the old Bank of the United States, or to the new bank of that name. He had every confidence in the security of the paper of the bank, and in its prompt payment by the bank at every place where there was a right to present it; he had every confidence in the ability and integrity of those who managed that institution, and belived that its notes were now the best currency in the country. The Government might safely receive its notes for all payments to it; for no one can question their security.

Yet he did not entertain the opinion that the notes of the old bank could be forced upon the Government or its agents against their consent, under the 14th section, after the expiration of the charter; and as there was some uncertainty in the public mind on the subject, it was advisable that there should be an expression of an opinion by Congress in repealing the section, by which the bank would be placed, by the legislative sanction, where it now is in his opinion, on an equality with the accredited State banks.

He would not suppose that the Secretary of the Treasury would wantonly interdict their receipt for moneys due the Government. Our citizens have probably possessed themselves of the notes of the bank to make their payments for public lands and demands of the Government; and as no man doubts their security, and their credit and convenience as currency, our citizens are not to be incommoded by the officers of the Government, in refusing to receive them from the people for Government debts.

It is not to be intended that, by passing this bill, we discredit or depreciate the notes of that bank, in any particular; they are not prohibited, but are placed on an equality with those of other banks, and are to be dealt with and received as the notes of other banks of good credit.

He hoped that the war upon the bank was not to be continued by this House. We had had enough of it; and in reply to the reasons assigned by the honorable chairman of the Committee of Ways and Means for prompt

action, he thought there was nothing in them to influence the action of the House. It was said by him that some branches had refused to redeem the notes of branches other than their own. They were never under any obligation, at any time, to redeem such; and as to the case of a Southern branch refusing to pay its notes, and referring the holders for payment to the parent bank at Philadelphia, if it be the fact, it is, I presume, a necessary consequence of the dissolution of the corporation, and the withdrawal of the branches.

He has complained, further, that the present Bank of the United States issues, in the course of its business, the paper of the old bank. In doing this, it does no more than what is and may be done by other State banks that receive, in the course of their business, the notes of the old bank, and which they have a right to do. It is a matter of convenience and interest to those who do business with them, and prefer that paper. The new bank may not have enough of its own paper to meet its business and supply the demand, and must use the notes of other banks for a time. If they had abundance of their own notes, there would be no impropriety in giving out the paper of the old Bank of the United States, which they had received in the course of business, to those who might prefer and desire the paper of the old bank. It is a transaction of business and confidence between the bank and those who do business with it, for convenience, and without injury to the public.

Mr. HARPER said he did not know that his constituents felt any interest in this subject, but he would briefly give his reasons for voting against this bill. If the notes of the Bank of the United States were a legal tender, under a decision of the Supreme Court, then the bank had a right to all the benefit derivable from the 14th section. At the same time, he believed that its repeal would be an advantage to the bank, for the reason that the notes paid under it would be sent, in mass, to the bank for payment.

Mr. CUSHING said, that when the motion to discharge this bill from the Committee of the Whole was before the House, he had voted against it, because it was a new question, the nature and effect of which there was no opportunity to examine, and no sufficient reason appeared for departing from the usual course of business. His reflection upon the subject had satisfied him it was proper to pass the bill. The Bank of the United States, as a national banking institution, had ceased to exist. The new bank was a State institution, acting under a charter from the State of Pennsylvania. As such, he was not disposed to make war in favor of it, or against it, but to deal with it on precisely the same impartial footing with banks incorporated by Massachusetts or any other State. There was no constitutional impediment to the passage of the bill. The receivability of the notes of the Bank of the United States in payment to the United States was no part of the permanent contract between the United States and the subscribers to the bank. Congress is expressly empowered in the charter of the bank to withdraw at will this privilege from its notes. The new bank reissued the notes of the old bank, as it had a right to do. What might be the influence or uses of the new bank in the money market was a point which Congress had no occasion to inquire into in disposing of this bill. For the rest, he did not conceive that it was the duty of any person, or set of persons, in this country, to hold themselves bound in Mezetian bonds to the dead body of the Bank of the United States.

Mr. DENNY said it was due to the holders of the notes that they should have some notice of the repeal of the law making them a legal tender. Those who want to buy land with these notes would be greatly embarrassed if they were refused. It would not follow, from the passage of this bill, that the notes would be refused at the land offices; but coming events sometimes cast their shadows before them, and he wished that all doubt upon this subject should be avoided.

Mr. PEYTON remarked that while the monster was living, and had power to do mischief, he was one of those most zealous to destroy it. But, after its overthrow and destruction, he did not think it a matter of public importance to keep up a clamor over its remains. Some of those who were a little zealous in the onset upon the living monster, were now waging war upon its harmless rattles, and expressing great alarm at its very trail. But the litter of little monsters, possessing more power to do harm than the old monster ever did, these gentlemen were not at all afraid of. In regard to the proposition before the House, he was in favor of it. No collector should be forced to receive these notes; but, if he was an honest man, he ought to be trusted to receive them, if he thought them good, and reject them, if they were, in his opinion, bad. He ought not to be forced to take them because they were issued by the Bank of the United States. In regard to the Government hostility to the State Bank of Pennsylvania, he had nothing to say. If the State of Pennsylvania could not sustain her own institutions, let them fall. He would vote for this bill, with a view to leave it discretionary with the collectors and receivers of the public money to take the notes of the United States Bank or not.

He had, however, risen for the purpose of offering as an amendment to this bill the bill now before the House regulating the deposite of the public moneys in certain local banks.

The CHAIR said that bill was now in Committee of the Whole on the state of the Union, and it was not in order to move it as an amendment to, or substitute for, this bill.

Mr. PEYTON then said he would move that this bill be recommitted to the Committee of the Whole, with instructions to report as an amendment to it the bill above referred to.

The CHAIR said that would not be in order. At an earlier part of the day, before the bill under consideration had been taken up, it would have been in order for the gentleman to have moved to discharge the Committee of the Whole from the other bill.

Mr. PEYTON would then make that motion.

The CHAIR replied that, pending the consideration of this bill, that motion could not then be made.

Mr. BELL. Does the Chair decide that it is not in order for my colleague to move to recommit this bill with instructions?

The CHAIR had made no such decision, but had stated that it would not be in order to move as an amendment to this bill another bill now in Committee of the Whole on the state of the Union.

Mr. BELL was not prepared, he said, to acquiesce in that decision.

Mr. PEYTON thought he could, perhaps, obviate the difficulty under which the Chair labored. He then sent to the table a bill pending before the Senate for the "regulation of the deposites of the public money."

The CHAIR stated that his decision covered this motion also, and made a reference to a former decision of the House, which, in his opinion, applied to this case; and he cited the rule of the House, that no proposition of a different nature from the one under consideration should be moved in the form of an amendment.

After some conversation on the point of order between Messrs. WILLIAMS of Kentucky, SPEIGHT, and CAMBRELENG,

Mr. PEYTON varied his motion, so as to render his proposition similar in its nature to the provisions of the bill, and in that way to obviate the objection made by

the Chair. He moved to amend the bill by adding to it the following, which are the two last sections of a substitute proposed in the Senate by Mr. Wright to the "bill to regulate the deposites of the public money." He said he was opposed to the proposition, but moved it with a view to bring up the subject for discussion.

Sec. 11. *And be it further enacted*, That the commissioners of the sinking fund be hereby authorized and directed, at the commencement of every quarter of the year, to examine into the condition of the Treasury, and the probable amount of receipts and expenditures during that quarter; and if, in their opinion, the money in the Treasury during the quarter will generally exceed, or fall short of, seven millions of dollars, it shall be their duty to cause the sum, equal in the former case to the supposed excess, to be drawn out of the Treasury and invested in some safe stock or stocks, in the name and behalf of the United States; and in the latter case to order a sale or sales of such part or portion of any such stocks owned by the United States, as will produce a sufficient sum to make up the supposed deficiency, the proceeds whereof shall be paid into the Treasury.

Sec. 12. *And be it further enacted*, That said commissioners of the sinking fund shall be governed, in making such investments or sales, by the current and customary prices of stocks in the commercial cities of the United States; and in their purchases said commissioners shall give preference to such stocks whose payment is guarantied by some State, if the rate of interest upon the sum proposed to be invested will probably be as favorable. And at the commencement of every year, said commissioners shall make a detailed report to Congress of all their doings and proceedings under the provisions of the act.

The CHAIR remarked that the same principles, on which the whole bill was out of order, applied to the part now proposed to be inserted.

Mr. PEYTON appealed from this decision of the Chair, and made a few remarks on the main point.

Mr. BEAUMONT moved the previous question; which was seconded by the House, taken by tellers, ayes 75, noes 50, and the main question was ordered to be put, without a count.

The main question was, "Shall the decision of the Chair stand as the judgment of the House?" which was agreed to without a count.

The question then again recurred on the engrossment of the bill.

Mr. HARDIN contended that all the charter of the bank had expired on the 3d of March last, except the fourteenth section, which he read, and which duly allowed the bank to use the corporate name and style for two years for the purpose of settling the affairs of the bank. He did not wish to pass any act of supererogation behind which the Secretary might intrench himself, if he wished to discredit the bills, and give another blow to the dead monster. He thought the Secretary had the same right over these bills that he had over all others, and he did not think Congress ought to interpose to take the proper responsibility of the President or of any of the heads of the Departments. He said there was now twenty millions of dollars of this bank's paper in circulation, and, from all his experience, he thought it as sound as any in the world. The people, especially of the West, wanted this money to pay for their lands and goods; and he wanted, if the bills were to be refused, it should be done by the Secretary upon his own responsibility. It had been said the bills were below par, and a year ago the bank was denounced as insolvent; yet the very men who were doing their business, and getting the bills of the bank to transmit seven hundred miles and more at twelve o'clock, were the very men who would come into the House at one, and say they were not a sound currency. He would pronounce it, so far as he knew, the very best paper in the world. Mr. H. went on to remark that the bank was dead, and all the evils threatened from its political power and the influence of foreigners were gone. He hoped the House would not act in this matter, but would leave it where the responsibility ought to rest.

Mr. PARKS said he did not rise to make a speech, but he said he thought enough had been said, and he would move the previous question.

The motion was seconded by the House, and the main question on the engrossment of the bill was then ordered to be put; and it was taken, and decided in the affirmative: Yeas 136, nays 17.

On motion of Mr. CAMBRELENG, the House took up the bill providing for the payment of certain revolutionary and other pensioners, returned from the Senate with an amendment providing that all payments of ten dollars and under shall be made in specie.

Mr. BOND moved to substitute twenty dollars for ten, and made some remarks in support of the motion.

The motion was rejected, and the amendment was then concurred in.

GENERAL APPROPRIATION BILL.

The House went into Committee of the Whole on the state of the Union, (Mr. Patton in the chair,) and, on motion of Mr. CAMBRELENG, took up the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1836.

Mr. CAMBRELENG, after the bill had been read, said that in consequence of the vote of last year, and a resolution reported by the Committee on the Rules, no appropriation had been introduced into the appropriation bills this year, upon any subject not heretofore provided for by law, and therefore the items of appropriation were, in many cases, less than the estimates. The committee could see no other way than to provide for those cases in a separate bill. Mr. C. was proceeding to offer some amendments, when,

On motion of Mr. A. H. SHEPPERD, the bill was ordered to be taken up by sections, and clause by clause.

Mr. C. ALLAN moved an amendment, to insert after the 8th line of the 1st section a clause making a general reduction in the salaries of all Government officers and clerks; fixing the salary of the President at $15,000; reducing that of heads of Departments and of the Vice President one third; and proposing a reduction of twenty-five per cent. on all salaries of clerks, collectors of the customs, postmasters, &c.; providing that no clerk should receive less than $800, and no collector or postmaster more than $3,000, from all their official income; which amendment was negatived without a division.

Mr. SHEPPERD then moved to amend the fourth clause, by striking out the sum of "$25,000 for incidental expenses of the Department of State, including the expense of publishing and distributing the laws," and to insert "$5,000 for incidental expenses, and $12,000 for publishing and distributing the laws."

Mr. S. went at length into an examination of details, to show that the amount he proposed would be adequate to the wants of the Department the current year. Many expenses which had called for larger appropriations in previous years would not occur again; and, from inquiries he had made of the Secretary, he was satisfied that sum would suffice. The sum of $12,000, he was sure, would be sufficient for the expenses of printing and publishing. He gave an account of the expenses of former years, showing considerable variation. In 1829 they were $13,000, and in 1831 they were $19,000, and in 1835 they were only $10,000. The greatest expense incurred had been in the publication of the papers of

Washington, even the binding of which was about $9,000, and would not occur again.

If an average of four years should be taken, it would be a little more than $12,000, and an average of three years would show a little less. The principal reduction in this item had been made by a change in the manner of distributing the laws. Formerly an agent used to be employed for the purpose of carrying and delivering them all over the country in person, whereas they were now transmitted by mail. He was satisfied the sum he proposed would be sufficient, and he preferred to have appropriations made specific whenever it was possible, and not allow these large sums to be taken in the gross. He wished to make the $12,000 specific, and leave only the $5,000 as a contingent appropriation.

Mr. CAMBRELENG said he had no doubt the gentleman's careful investigations had enabled him to give much useful and minute information upon petty abuses in the State Department, but it did not satisfy him. If no other part of the Government got on any faster in the increase of expenses, he should be willing to let them stand where they are. The contingencies could not be known or fixed beforehand; and, he remarked, that for seventeen years the appropriation for this item had invariably been fixed at $25,000. It had always been required, and he would not vote to cut it down.

Mr. WISE said he should not vote for the amendment, on account of its form. It proposed to give $12,000 for printing, and $5,000 for contingencies. During the last Congress he had continually warred against these appropriations for pure contingencies. These items come into this bill in forty places. He would beg the House to look at the whole amount of money thus placed in the hands of the State Department. Twenty of the items for pure contingencies amounted to $88,000; there were besides twenty other items, for the most part contingent, but having some specification, amounting to $120,000. Here there was, then, the enormous amount, taking the whole that is contingent, and some mixed in character, of $224,315. He would ask, what was the use of going into specifications at all, when a single Department has that gross sum to be expended by nobody knows who, and for nobody knows what? Mr. W. was going on to speak of some particular item; when

Mr. A. H. SHEPPERD remarked that it was not under consideration now, but he had intended, when it came up, to move to strike it out.

Mr. WISE said he had no doubt he should agree with the gentleman to strike out all contingent appropriations.

Mr. CAMBRELENG said that the item referred to had been found unnecessary, and he had been authorized by the committee to move to strike it out when it was in order.

Mr. WISE wished the House to notice how these appropriations for contingencies were slipped into the bill. Foreign ministers, it was known, had their salaries and outfits, which ought to be enough; and they were provided for. Then came an item for contingent expenses for all missions abroad, $30,000; and two or three lines afterwards was found another item of $30,000, for contingent expenses of foreign intercourse. He wished to know to whom and for what these *douceurs* were to be paid; and if the people wished to know, and ought to know, the abuses of the Government, they never could be known if contingencies were to be multiplied in this way. Can any one tell how they are expended? No. These pure contingencies—he might call them the Reuben M. Whitney items—are perfectly secret, unknown, and unsearchable.

Before he voted for any one of them, he should ask for some explanation—something more than merely telling that the Department wants certain sums of money. When there was a determination of the party in power to give a successor to the presidency, was it not proper to ask for what purposes the money is to be applied? He was determined, for himself, to vote for no appropriation the object of which was unknown to him and unknown to the country. He wished to see if the morals of the people and the morals of the Departments are to be corrupted; for he would trust no President, and no President's partisan, who nominated a successor, and determined to elect him if they can. If the amendment of the gentleman was lost, he would move another, to strike out all the contingent appropriations, and insert twelve thousand dollars for printing and distributing.

Mr. MASON said that the security for the proper use of these contingent expenditures was to be found in the rule that every one must account for all disbursements, and settle his accounts at proper times; and he knew there must be, however specific the appropriations might be made, some contingent appropriations. He would mention some items that have always been allowed. One for foreign missions is necessary. The minister incurs expenses which are incidental to his mission, such, for instance, as postage, sending couriers upon emergencies, and for translations—expenses which must be taken from his own salary, if the Government refuses to provide for them. Thirty thousand dollars had never been found sufficient for these purposes; and they must be contingent, in the nature of things; it would be impossible to anticipate their occurrence. The only guard was to limit their amount to $30,000, and compel the proper officers to account for the disbursements. No gentleman would wish to have these necessary expenses taken from the salaries of ministers.

Mr. WISE would ask another question. When experience has ascertained how much money will be required, has it not also ascertained the objects for which it will be wanted?

Mr. MASON replied, that time had ascertained the general class of objects, but they were ever varying, and depended upon circumstances not to be known beforehand, and not in the control of the Government. It was utterly vain, he contended, to attempt to make specific appropriations for these purposes. There is now an unexpended balance, which renders the appropriation unnecessary, and a motion will be made to strike it out. The committee proposed the usual appropriation of $30,000; but it would be found that, for years past, there had been wanted for such purposes $40,000. The expenses were in their very nature contingent, and must come out of the salaries of ministers, unless provided for. He thought there were as many guards against fraud and imposition as human ingenuity could devise.

Mr. WISE asked if the Secretary had not asked for these appropriations.

Mr. MASON said the Secretary had sent in estimates, as usual, of the sums which would be required in his Department; and upon that the committee had framed the bill. The balance unexpended for missions having come to their knowledge afterwards, the committee had instructed their chairman to move to strike out this appropriation. Mr. M. then went on to speak of the necessity for some contingent appropriation for the small current expenses of the Department, for repairs of the buildings, and for such alterations and changes as were necessary and proper for the convenient accommodation of the officers and clerks. That was the place where all foreign ambassadors must be received for the transaction of business; and, though some not absolutely necessary expenditures had been made to embellish the building, he thought nothing could be found wasteful or extravagant. The appropriation now proposed was the usual sum, and he thought it not extravagant.

Mr. BELL presented considerations, at length, to show that the appointment of ministers to mediate between Ohio and Michigan, in relation to the boundary question, was improper, without the warrant of law, and dangerous as a precedent, because it might lead to the appointment of any number of ministers or agents, without any necessity.

Without taking any question, the committee rose; and The House then adjourned.

WEDNESDAY, APRIL 13.

DEPOSITE BANKS.

Mr. DROMGOOLE asked the consent of the House to offer the following resolution; which was read:

Resolved, That the Secretary of the Treasury be directed to communicate to this House full information of the mode and manner of selecting banks in the several States or Territories for the deposite of the public moneys of the United States; of all contracts, agreements, or stipulations, entered into with said banks, for the safe keeping of said moneys. That the Secretary of the Treasury also state what agents have been employed, the nature and extent of their agency, and the compensation which such agents have received in any way from the Government of the United States; and that he also state what officers or agents on the part of said banks have in any way participated or been instrumental in the formation of any such contracts, agreements, or stipulations, concerning the deposite and safe keeping of said moneys in said banks.

Mr. WISE objected to the reception of the resolution, and asked leave of the House to state his reasons.

Objections being made,

The CHAIR put the question, whether the gentleman from Virginia should be permitted to assign his reasons for objecting to the reception of the resolution.

Mr. WISE demanded the yeas and nays; which were ordered.

Mr. W., in justice to himself, wished, he said, to state that he did not intend to address the House on this subject, and that he asked leave merely to make a brief explanation of his reasons for objecting to the reception of the resolution.

The question being taken, it was decided in the negative: Yeas 66, nays 68.

Mr. DROMGOOLE gave notice that he should renew the motion for leave to offer the resolution to-morrow morning; and, if the objection were then persisted in, he should move the suspension of the rules.

Mr. WISE said he would give the gentleman an opportunity to offer the resolution to-day. He now asked the consent of the House to offer the following resolution; which he read:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposite for the public money; the contracts with the Treasury Department by which they are regulated; the manner in which, and the persons by whom, such contracts are or have been made; into all correspondence whatsoever touching contracts for the deposite of the public money; and into all connexion or relation, official or unofficial, which exists, or has existed, between any person or persons and the Treasury Department, or between them and the deposite banks, or any individuals or banks, touching the custody and the control and deposite of the public money; or between any department of the Executive and any individual or individuals or banks, touching the disbursements of the public money, appropriated or unappropriated by law; and into the amount of compensation of any or all agents whatsoever, official or unofficial, connected with the said Department or said banks, touching the disbursement, safe keeping, or deposite, of the public money; and that the said committee have leave to report by bill or otherwise.

The gentleman, Mr. W. said, could offer his resolution as an amendment to this; and then, if the previous question was resorted to for the purpose of cutting off amendments, the gentleman's amendment, and not his resolution, would be excluded.

Objections being made, Mr. W. moved a suspension of the rules, and thereupon demanded the yeas and nays; which were ordered.

The question being taken, it was decided in the negative as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Bell, Bond, Bunch, J. Calhoon, W. B. Calhoun, Carter, Childs, N. H. Claiborne, Clark, Corwin, Crane, Denny, Evans, Everett, P. C. Fuller, J. Garland, Granger, Graves, Griffin, H. Hall, Hard, Hardin, Harlan, Harper, A. G. Harrison, Hazeltine, Hiester, Hoar, Howell, W. Jackson, J. W. Jones, Lawler, Lawrence, L. Lea, Lewis, Lincoln, Love, Loyall, Lyon, Martin, J. Y. Mason, Maury, McCarty, McComas, McKay, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Peyton, Phillips, Potts, Reed, Russell, A. H. Shepperd, Shields, Slade, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, W. Thompson, Underwood, Vinton, Washington, White, Whittlesey, S. Williams, Wise—75.

NAYS—Messrs. Anthony, Ash, Barton, Bean, Beaumont, Bockee, Boon, Boyd, Burns, Cambreleng, Casey, G. Chambers, Chaney, Chapin, J. F. H. Claiborne, Cleveland, Coffee, Connor, Craig, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Fowler, French, Fry, W. K. Fuller, Galbraith, Gillet, Glascock, Joseph Hall, Hamer, Hannegan, S. S. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Hubley, Huntsman, J. Jackson, Janes, Jarvis, J. Johnson, R. M. Johnson, C. Johnson, Judson, Kilgore, Kinnard, Klingensmith, Lane, G. Lee, J. Lee, T. Lee, Leonard, Logan, Job Mann, Manning, W. Mason, M. Mason, May, McKim, McLene, Montgomery, Moore, Morgan, Owens, Page, Parker, Parks, Patterson, F. Pierce, D. J. Pearce, Phelps, John Reynolds, Seymour, Shinn, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, J. Thomson, Toucey, Turrill, Wagener, Ward, Webster, Weeks—96.

Mr. DROMGOOLE remarked that he had not intended to renew the motion for leave to offer the resolution indicated by him till to-morrow; but, as the House was full, he would offer the proposition for decision at this time.

He moved that the rules be suspended until one o'clock, for the purpose of enabling him to offer the resolution indicated by him.

Mr. HOPKINS asked the yeas and nays, and they were ordered.

The question being taken, it was determined in the affirmative, as follows:

YEAS—Messrs. H. Allen, Anthony, Ash, Barton, Beale, Bean, Beaumont, Bell, Bockee, Boon, Bouldin, Boyd, Bunch, Burns, W. B. Calhoun, Cambreleng, Casey, Chaney, Chapin, N. H. Claiborne, J. F. H. Claiborne, Clark, Cleveland, Coffee, Connor, Corwin, Craig, Cramer, Crane, Cushman, Darlington, Denny, Dickerson, Doubleday, Dromgoole, Dunlap, Evans, Everett, Fairfield, Farlin, Fowler, French, P. C. Fuller, William, K. Fuller, Galbraith, J. Garland, Gillet, Glascock, Granger, Grantland, Graves, Griffin, Joseph Hall, H. Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Hiester, Holsey, Hopkins, Howell, Hubley, Huntsman, W. Jackson, J. Jackson, Janes, J. Johnson, R. M. Johnson, H. Johnson, J. W. Jones, Judson, Kilgore, Klingensmith, Lane, Lawler, Lawrence, Lay,

G. Lee, J. Lee, T. Lee, L. Lea, Leonard, Lincoln, Logan, Loyall, Lucas, Lyon, J. Mann, Manning, Martin, J. Y. Mason, W. Mason, M. Mason, Maury, McCarty, McComas, McKay, McKennan, McKim, McLene, Mercer, Milligan, Montgomery, Moore, Morgan, Morris, Owens, Page, Parker, Parks, Patterson, Patton, Franklin Pierce, D. J. Pearce, J. A. Pearce, Pettigrew, Phelps, Phillips, Potts, Reed, John Reynolds, Rogers, Russell, Seymour, A. H. Shepperd, Shields, Shinn, Sickles, Slade, Sloan, Smith, Spangler, Speight, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, J. Thomson, Toucey, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Washington, Webster, Weeks, S. Williams—158.

NAYS—Messrs. Bond, Buchanan, Carter, G. Chambers, Fry, Hard, Hardin, Harlan, Harper, Jarvis, C. Johnson, Kennon, Kinnard, Lewis, Love, Peyton, Waddy Thompson, White, Wise—19.

The CHAIR said that, under the rule of the House, the resolution must lie over one day.

Mr. WISE moved to suspend the rules of the House, for the whole day, for the consideration of the subject; which was not agreed to.

Mr. DROMGOOLE hoped, he said, that the resolution would be considered now.

Mr. EVANS objected, and moved that the resolution be printed; which was agreed to.

DAY OF ADJOURNMENT.

The joint resolution from the Senate, fixing a day for the termination of the present session by the adjournment of the two Houses of Congress, was taken up.

Mr. CAMBRELENG moved that the consideration of this joint resolution be postponed to the first Monday of May.

Mr. SPEIGHT objected to so long a postponement, and urged the expediency of fixing a day for the adjournment of Congress. Experience (he said) had shown that the despatch of business was expedited by fixing a limit to the session.

Mr. CAMBRELENG said the 1st of May was only a fortnight off, and before that time it would not be practicable to fix a day for the adjournment. Before the bill regulating the deposites of the public moneys in the local banks was taken up and disposed of, he would not consent to fix a day for the termination of the session.

After a few words from Mr. SPEIGHT,

Mr. HARDIN said he hoped the motion of the gentleman from New York would prevail. We had at least five hundred bills to act upon, amongst which was a bill reported two years ago, for extending the benefits of the pension act of 1832 to those officers and soldiers who fought from the year 1783 till 1794, in the Indian wars, which were, in fact, a continuation of the war of the Revolution. He thought that bill ought to be acted upon, and that the House had been remiss in not calling it up and passing it before this time. No man could tell now, within two weeks, at what time Congress could be ready to adjourn. When the 1st of May came, we could fix a day, if we were ready; and if we were not, we could postpone it a week longer.

Mr. TOUCEY hoped that the motion would be sustained. The House had been in session four months, but it had been employed in preparing business which was now ready to be acted upon. The committees had despatched nearly all their business. The long political speeches were now over, particularly those in relation to president-making, and the House had, for a few days past, manifested a disposition to attend to the public business. He hoped their first act would not be to fix a day of adjournment.

Mr. MERCER differed with the gentleman from North Carolina as to the effect upon the despatch of business by fixing the day of adjournment. It produced a conflict for the priority of business, which obstructed its despatch. He remarked upon the embarrassments under which the business of the House had labored this session in consequence of the adoption of special orders. Thirty days of the time had been spent in taking questions on motions to suspend the rules. No business could be taken up without a vote of two thirds, in consequence of the special order, whereas the representatives of a free people, if they were capable of acting at all, ought to act by majorities.

The hour of one o'clock having arrived, the special order was called for.

GENERAL APPROPRIATION BILL.

The House went into Committee of the Whole on the state of the Union, for the purpose of proceeding in the consideration of the bill making appropriations for the civil and diplomatic service of the Government for the year 1836.

The question being on the amendment proposed on Tuesday, by Mr. A. H. SHEPPERD,

Mr. JOHNSON, of Kentucky, after some remarks, offered an amendment, which was decided to be out of order, pending the motion of Mr. SHEPPERD.

[The amendment provided that every expenditure under contingent appropriations should be accounted for, and the names given of the persons to whom money should be paid.]

Mr. SHEPPERD, having been requested to withdraw his motion, declined.

Mr. CAMBRELENG hoped the committee would proceed, section by section, and not consume time by going from subject to subject, throughout the bill.

Some further conversation, to the same effect, took place between Messrs. MASON and BELL, when

Mr. MASON proceeded to justify the conduct of the Executive upon the subject of the mission to Ohio and Michigan. He spoke of that controversy as one of the most painful occurrences in the history of the country; and he thought the message of the President sufficiently explained the reasons for sending two distinguished gentlemen to endeavor to allay the excitement and prevent the threatened collision. Even if the President had overstepped his constitutional authority, he thought the emergency would justify the act. But he would not put it on that ground. He argued that the President was bound to support the laws, to preserve peace; and under that power he had taken a mild course, which would have been reasonably expected to prevent a conflict between the States. The gentlemen sent were in no sense ministers plenipotentiary, but were mere bearers of despatches, giving friendly counsel, and collecting information necessary for the President in the discharge of his duties; because it might be his duty to remove the Government officers in Michigan, if they were disposed to encroach upon the rights of the State of Ohio. Mr. M. then compared our institutions with those of England in this respect, and referred to the constant practice of the Government, which he said had obtained from its earliest history, of sending agents to execute special business, and obtain information. The occasion here he considered fully enough important to justify the measure, and he did not understand that any objection was made to the men, the occasion, or the amount of compensation.

Mr. BELL thought the discussion upon this question as important as any that could arise, though he should be sorry to have it protracted. But he would not be deterred by taunts of making political speeches, and complaints of delays of business, from discussing these important questions. He thought it had become too common to make imputations of political or other motives, whenever gentlemen rose to discuss important

principles of government. Mr. B. then went on to contend against the ground taken by Mr. Mason, that the President had a right to appoint public agents. He argued that there were public officers, appointed by law and by the constitution, whose duty it was to perform this duty. The Governor and the attorney for the Territory, public officers of the Government, were the proper officers, and should have been called upon to do the duty required. The President had no right to appoint such agents to act secretly, without the knowledge of the country, or the sanction of the Senate, which was necessary for all ministers and agents of this kind. He referred to some of the appointments alluded to by Mr. Mason, and said they also required explanation, as much as this. He objected, not so much to the occasions, the appointments, or the compensation, as to the principle upon which such appointments were made. He denied the right of the President to assume the power which had been justified. As another opportunity would be had to discuss this subject, he would say no more at present.

Mr. SHEPPERD hoped the discussion would be confined to the immediate subject of the motion he had made.

Mr. WISE said the discussion showed the necessity of examining these contingent appropriations. What would gentlemen say, he asked, if it should turn out that this very appropriation of twenty-five thousand dollars was used to pay some of these secret agents, appointed without any authority of the constitution? He went into the examination of the right of appointment, and contended that the President had no power of the kind contended for. The contingent appropriations (he said) were applied to all sorts of illegitimate purposes; and were one portion of a system of corruption which had increased to a most enormous extent. They are presented in every form, in every guise, and pressed upon the House as of the utmost importance. He protested against the necessity of contingent appropriations, under the ordinary administration of the Government; and would rather let these unknown public agents suffer, than put so much money at their disposal. The money was put into the hands of the most vile, low, unprincipled agents; and though, if they should prove pure, all would be well, yet they were suspected and accused of frauds, and improper uses of the public money, and they ought to be tried. But examination and trial could not be had. Resolutions for inquiry were suppressed. Mr. W. then went on to speak of the connexion of Reuben M. Whitney with the deposite banks and the Secretary of the Treasury. He said Reuben M. Whitney was not employed by the Secretary of the Treasury. He did not want to ask that question; and if it were asked what the truth was, and the Secretary should answer, he would not believe that answer any more than he would believe the reply of a common thief, who should plead not guilty. He wanted witnesses and answers upon oath.

He said he could establish the fact that R. M. Whitney did receive compensation indirectly from the Government. The public money was loaned without interest. The banks have it, and it is worth to them at least three per cent.; and this would be at least a profit of nine millions of dollars per annum; and how much of this nine millions of interest was allowed to R. M. Whitney, no one could ascertain, no one was allowed to know; and any resolutions having a tendency to ferret out and expose the corruptions incident upon such connexion as that of the Secretary of the Treasury and R. M. Whitney, were rejected by the majority of the House. Although he knew that a majority of the members of the House approved of his resolution, yet the party tactics would not allow of its adoption. It was a political fraud upon the people. The Government was full of concealed corruption, and he would rather see it stop now, as it stands, and never do another act, than live in corruption and die by corruption. He went on to urge the necessity of inquiring now into the frauds committed upon the public treasure. He wanted to know if an agent of the Government, secretly appointed, had taken an appropriation of $500,000, kept it ten months, speculated upon it, and made twenty, thirty, or forty thousand dollars. He made no pledge, but he believed what he said, and he wanted an inquiry into the truth of what he said. It had been said something should be done with the surplus revenue. He wanted to say, and wanted his constituents to know, that nothing would be done with it. There were three reasons to operate against it. One was, that the money had got into places from which it could not be withdrawn. The banks which were operating upon it could not do without it, and, if it were ordered to be drawn by law, it would smash the whole system. The one-headed monster, which had been crushed, was far less dangerous than the many-headed monster which had been established in its place. Another reason was, that the money was wanted for the benefit of R. M. Whitney & Co. It was wanted to be applied for the purpose of perpetuating the party and their government; and he contended that, so far as the House sanctioned contingent expenses, so far they sanctioned, by law, this robbery of the country.

Mr. W. continued to remark upon the difficulty of getting information, and the ignorance of the House in regard to unexpended balances, one of which had been suddenly found out after this appropriation bill had been reported. He then referred to a card in the Globe, signed Reuben M. Whitney, and desired to say that his business was not with Reuben M. Whitney, but with Levi Woodbury, his master—his colleague. If he could bring Levi Woodbury to the bar of public opinion, he would care nothing for the conduct of Reuben M. Whitney; and he went on, at considerable length, charging frauds and corruption upon the Treasury Department, in the management of the public money for the advantage of individual speculators, who were sharing in the plunder upon the country. He concluded with stating that he knew the vilification and abuse to which he exposed himself by making these extensive exposures of misconduct on the part of so large a combination. He knew that when the bloodhounds were unkennelled, a man must be correct and pure himself, or he will be devoured. He had no fears upon that account, either personally or politically. He should always endeavor to expose corruptions, and would do more; he would strive to protect the rights and interests of his constituents.

Mr. SHEPPERD then took the floor, but gave way to Mr. BOND, who moved that the committee rise, as the hour was late, and he wished to hear the gentleman from North Carolina in reply to the remarks that had been made.

Mr. CAMBRELENG objected, and remarked that the business of the House could never be accomplished, if so much time was to be spent in debating trifling amendments.

Mr. BOND then withdrew his motion, as he understood the gentleman was willing to go on then.

Mr. SHEPPERD continued, and spoke in detail of the expenses of the State Department, and the retrenchment that might be made without inconvenience, according to his motion.

The question then being taken on the motion of Mr. Shepperd, it was decided in the negative, by a vote of 55 to 67.

Mr. UNDERWOOD moved to strike out the following clause: "For the superintendent and watchman of the northeast executive building, $1,500."

After some remarks from Messrs. A. H. SHEPPERD and CAMBRELENG, the motion was rejected.

Mr. CAMBRELENG moved to increase the item of $24,700 for compensation to the clerks and messengers in the office of the Third Auditor to $27,000; which was agreed to.

Mr. LAY moved to strike out the clause for the compensation to the Solicitor of the Treasury, $3,500, and for compensation to the clerks in said office, $1,650; and, after some remarks from Messrs. CAMBRELENG, LAWRENCE, and JOHNSON, the committee rose, for want of a quorum, and reported that fact to the House.

Mr. HANNEGAN moved a call of the House.

Mr. VINTON moved an adjournment; and, thereupon,

Mr. PARKS demanded the yeas and nays; which were ordered.

The question being taken, it was determined in the affirmative: Yeas 78, nays 53.

The House then adjourned.

THURSDAY, APRIL 14.

DEPOSITE BANKS.

On motion of Mr. DROMGOOLE, the following resolution, submitted by him yesterday, was taken up:

Resolved, That the Secretary of the Treasury be directed to communicate to this House full information of the mode and manner of selecting banks in the several States or Territories for the deposite of the public money of the United States; of all contracts, agreements, or stipulations, entered into with said banks for the safe keeping of said moneys. That the Secretary of the Treasury also state what agents have been employed, the nature and extent of their agency, and the compensation which such agents have received in any way from the Government of the United States; and that he also state what officers or agents on the part of said banks have in any way participated or been instrumental in the formation of any such contracts, agreements, or stipulations, concerning the deposite and safe keeping of said moneys in said banks.

The resolution having been read, Mr. WISE rose, and moved to amend it, by substituting the following in lieu thereof:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposite for the public money; the contracts with the Treasury Department, by which they are regulated; the manner in which, and the persons by whom, such contracts are or have been made; into all correspondence whatsoever touching contracts for the deposite of the public money; and into all connexion or relation, official or unofficial, which exists, or has existed, between any person or persons and the Treasury Department, or between them and the deposite banks, or any individuals or banks, touching the custody and the control and deposite of the public money; or between any department of the Executive, and any individual or individuals or banks, touching the disbursements of the public money, appropriated or unappropriated by law; and into the amount of compensation of any or all agents whatsoever, official or unofficial, connected with the said Department, or said banks, touching the disbursement, safe keeping, or deposite, of the public money; and that said committee have leave to report by bill or otherwise.

Mr. WISE said: Sir, I rise to offer an amendment to the resolution of my colleague, and I will endeavor to show the very material difference between it and the resolution for which it is offered as a substitute.

The most striking difference is, that the resolution simply proposes to direct an inquiry of the Secretary of the Treasury, and my amendment proposes to appoint a select committee, with full powers to investigate, by the oaths of witnesses, the whole subject of keeping and disbursing the public money.

The only objection which I can anticipate to this amendment, in respect to this difference between it and the resolution, is, that it is contrary to parliamentary usage to institute a committee of investigation before an inquiry has been addressed, in comity, to the Department, and until such inquiry has been answered in an unsatisfactory manner. Permit me to say, sir, that this rule of parliamentary usage has been already complied with, and in such a manner, by the Secretary of the Treasury, as forbids a moment's delay of investigation, or the least indulgence of comity.

It will be remembered, sir, that, during the last Congress, the Senate of the United States addressed an inquiry similar to that of my colleague, but in fact more full and more searching than his, and that inquiry, in 1833-'34, was answered. The answer then given I considered, and still think, was unsatisfactory and false. If it was not the "*expressio falsi*," it was the "*suppressio veri*." In consequence of my conviction and impression as to the character of that answer, and prompted by information which I had obtained since the commencement of the present session as to the relations of "a certain Reuben M. Whitney" to the Treasury Department and the deposite banks, I offered the proposed amendment as a distinct and independent proposition to investigate those relations "touching the deposite, safe keeping, and disbursement, of the public money." Thrice and again did I offer this resolution, and I hope it will not soon be forgotten by the American people, as often it was rejected by "the party."

The representatives of the people having again and again refused to grant the power of investigation, with a majority of the friends of the Secretary in the House, the inference was becoming too strong that an investigation was dreaded. Accordingly, sir, in the Globe of the 9th instant, we see Mr. Secretary (Woodbury) giving the cue to "the faithful;" and for the first time in the history of our Government does the head of a Department stoop from his high elevation to the editorials of the "official organ," to answer "by authority" an inquiry which had not been made, and to suggest to his friends his preference for a simple inquiry when an investigation was asked, if not to dictate to Congress the mode of its proceeding in guarding the public money under his control! In the editorial to which I allude, and which I beg leave to read, my colleague and the House will find every inquiry embraced by his resolution anticipated and answered.

From the Globe of April 9, 1836.

"Mr. WISE.—This individual, in a resolution which he has three times called up in the House for immediate action, is but acting anew the panic scenes in the Senate in 1833-'34. Then, the Secretary of the Treasury was called upon for copies of contracts made by the Department with the deposite banks, correspondence with them, and even the amount of stock that officer held in one of them; also, whether an agent was employed to superintend the deposite banks; if so, by what authority he was employed, and how much he was paid, and out of what funds, &c. To all these inquiries prompt answers were given, and to the latter, that no agent had been employed by the Department. We have good reason to believe that any information which Mr. Wise may wish, concerning the deposite banks, in possession of the Treasury Department, he can readily obtain, by applying for it, without the aid of a formal resolution; and in relation to an agent to superintend the deposite banks being employed or paid by the Department, we are au-

thorized to say the same answer would be given to such an inquiry as that made to the Senate in 1834.

"The insinuation made by Mr. Wise, that some person, as an agent of the Secretary of the Treasury, or of the deposite banks, is employed in deciding on their selection, or in taking security from them, is without the least shadow of foundation. All these arrangements, we are authorized to say, are made between the public authorized officers of the Treasury Department and the banks only.

"So far as the resolution of Mr. Wise refers to 'a certain Reuben M. Whitney,' and his agencies for the deposite banks, and the compensation which he receives from any of them, he (Mr. W.) has already, over his own signature, given to the public the nature of the same; and, although these may be considered matters purely and altogether of a private nature, yet we believe that Mr. Whitney will not hesitate to answer any question relating to them which may serve to gratify the curiosity of Mr. Wise."

Thus, sir, adopting the answer of Mr. Taney in 1833-'34, and having already said, before inquiry, "thus far will I answer, and no farther," why should we delay investigation by instituting an inquiry already answered by this authorized editorial? Is the object of my honorable colleague to give the pilferers of the public purse more time to pick and steal? The answer which the Secretary says "by authority" he will give is exactly the answer I expected he would give. And it is to test the truth or falsehood of that very answer that I demand a committee, with power to send for persons and papers. I here charge that answer of 1833-'34, as now adopted by the present Secretary of the Treasury, to be, at this time, false and deceptive; if it speaks truly, as far as it speaks at all, I believe it can be proved to be false in suppressing the truth, or in not telling the whole truth. I ask for the power to procure this proof; and am I to be told that I must again inquire of the culprit whom I charge with having already answered falsely?

But, sir, let us suppose that usage will not be complied with by adopting the amendment which I propose as a substitute for the resolution of my honorable colleague. Still the objections to the adoption of that resolution are insuperable, and the reasons for departing from usage in this case are conclusive. Admit that Mr. Secretary has given no answer, and that this House should not compromit its dignity by noticing editorials in the Globe as official communications, it is a sufficient objection to my mind to a mere inquiry that Mr. Secretary himself has, "by authority," invited, suggested, or even dared to intimate, the course of an inquiry, when the question of examination by the oaths of witnesses was pending. It seems to me that, by that "authorized" editorial in the Globe, Mr. Secretary did not so insolently and impudently mean to say, "so far will I answer, and no farther," as he meant cunningly to give the cue to "the party," or, crouchingly and craven-like, to beg his friends to screen him from the scrutiny of a committee. The one interpretration or the other must prevail to convict him of insolent dictation, or of guilty timidity. Sir, I am bound to believe that my honorable colleague did not take the hint from the Globe to offer his resolution, but I must say it comes at an ill-omened time for the reputation of the Secretary, and he ought scarcely to expect us to yield that to dictation which is due only to courtesy, or to yield that to charity and mercy which is due to truth and the country. Why, sir, did not the House permit me to introduce my resolution, so that the main question might have been put upon its adoption before my colleague offered his, to which mine is an amendment, which may now be cut off by the previous question whenever the friends of Mr. Secretary choose? Why is the course which Mr. Secretary prescribes given precedence to that which a representative of the people demands, to investigate Mr. Secretary's own conduct in keeping and controlling the money of the people? I am sure, sir, that my honorable colleague did not offer his resolution of inquiry merely because Mr. Secretary has requested it; but I shall assuredly vote against the adoption of his resolution, for the very reason that Mr. Secretary himself asks that an inquiry of himself only shall be instituted. Sir, put here to guard the Treasury, am I discharging my duty to my constituents when I permit those who have the keys of the coffers to prescribe the mode of proving their honesty? Put here to judge of the conduct of executive officers, and to investigate that conduct strictly, am I to be content with the mere *ipse dixit* of the officer himself as to his faithfulness and purity? Is it to be expected that I will trust to the mere word of an officer, not on oath at all, who asks me to take that word alone, when I require him to be put upon his oath, and wish to call other witnesses? Is not the request by him, to ask him simply whether he be guilty, and not to try him by proof, enough to raise the suspicion at once that truth and honesty both require a trial upon oath? Sir, this intimation of Mr. Secretary, more than any other cause, has made me eager for an investigation for the sake of the country, and should make his friends still more eager for the sake of his own reputation. It will no doubt be much more agreeable to Mr. Secretary to answer an inquiry addressed to him sitting in the big chair of his office, which he may answer fully or not as he pleases, than to respond on oath to interrogatories addressed to his conscience, not to his good pleasure. And inasmuch as he has presumed to ask for the one course to avoid the other, I am for bringing his dignity down to the lowly level of an honest man. I am confident that the chance is much better of getting the truth from the witness-stand than from the Treasury Department. But, will gentlemen say, if Mr. Secretary has answered falsely, will you not allow him to answer over again?

Sir, this brings me to a still more valid objection to the resolution of my colleague. If there be any thing false or foul in the relations of Mr. Secretary with R. M. Whitney, is it to be expected that he will himself expose it? Does not every lawyer know that felons at the bar of justice will, nine hundred and ninety-nine times in a thousand, plead "not guilty?" Was it ever heard of that the mere response of the suspected or accused should be taken as evidence of innocence, or evidence in any sense? And if, sir, the resolution of my colleague prevail, I fear such will be its tendency and effect. Gentlemen tell me, "Let us have the answer of the Secretary first, and then, if it be not satisfactory, we will grant you a committee!" And is this to be the door of escape from investigation? Do gentlemen expect to deceive or cajole me with fair words of promise like this? Ay, sir, a committee *will* be granted if the answer be not satisfactory. Satisfactory to whom? To me, or to "the faithful?" Do I not know, sir, now, beforehand, that a whitewashing answer will be returned, glossing over all fraud and peculation, concealing the agents, at least, of speculation on the public moneys, making all fair, and comely, and satisfactory to the blind devotees of "the party?" Have I not, from what I have already seen here, the best reasons to fear that "the party" will refuse a committee after such an answer, because, to allow investigation will be to impugn the answer of Mr. Secretary? And, sir, will not Mr. Secretary's self-acquittal be held up as evidence not only of his own innocence of any the least improper connexion with R. M. Whitney, or of any other malfeasance touching his office, but of Whitney's purity, and of the wickedness, too, of those who suspect or accuse these *par nobile fratrum*? Sir, let this resolution be

adopted; let the Secretary of the Treasury have leave to answer, not on oath or cross-examination, in vindication of himself, and not only will he be made innocent, Whitney not proved guilty, the deposites left the easy prey of corruption, but you and I, and every man who has dared to intimate a suspicion, will be held up to odium and abuse. I, therefore, now say, once for all, that I am no accuser. I have not the evidence upon which to found an accusation. But I know and believe enough to make all desire an investigation. I am not, sir, to be caught in any Ninian Edwards prosecution; but, be it remembered, if there be no investigation it will not be my fault; and, if guilt somewhere be not proved, it will be for the want of power to call upon witnesses to testify. Will my colleague lend himself to this easy mode of escape to the suspected? Will he assist in setting this dangerous trap for the innocent? I am sure, sir, that no stern republican will fail to do every thing in his power to protect the public purse, and no Virginian will aid the agents of corruption to shift their odium upon those who would expose their guilt. He who will knowingly and wilfully assist in screening corruption, is himself corrupt; and I now say in advance, that if the course which I fear be pursued, it will be proof conclusive that there is the foulest corruption in the Government—not a mere corruption of ambition for office or station, but base mercenary corruption of avarice for gold; and he will be blind who cannot see who are its agents.

But, sir, if usage heretofore has been with my colleague, and against the course I propose, yet I think the last chapter of our experience in relation to inquiring into the abuses and corruption of the Departments should teach us to abolish a usage which has worked so much detriment to the public. I beg gentlemen not to forget so soon the history of the investigation of the Post Office Department. Loud complaints were heard of malfeasance and corruption there. Suspicions were entertained and expressed, proofs known to be in existence, and charges were openly made. Power and its party affected, as in this instance, to treat the complaints, suspicions, and charges, as the false clamor of opposition. Inquiry after inquiry was made, and the invariable response from the guardian-watchman was, "all's well!" and all were bound to believe it. Defiance even was hurled at the effrontery of bare suspicion, and loudly was innocence and purity pretended, even after investigation began to probe the ulcers of corruption. The Senate's committee were not believed, and it was a duty of party allegiance to cry out, "false accusation!" At last the committee of the House was appointed, consisting of a majority of "the party" itself; and, after a long and laborious examination, it came out slowly, and not until a particular juncture, when certain of the "knowing ones" began to love Mr. Barry's place better than his peace or his party, that there had been embezzlement, fraud, and corruption enough to render the Department insolvent, and to bring the name of an honest and honorable man (Mr. Barry) almost to infamy and contempt. The truth was exposed at last, but too late to save the money. The rogues had deceived Mr. Barry, pocketed the money, and most graciously resigned office to escape conviction, and to enjoy their ease and their gains! Is this scene to be acted over again? No, sir, not with my consent. I am for pouncing upon them now in the act of pilfering and plundering the Treasury, and detecting the thief in the "mainour." What care they for reputation, when they have once got the plunder? The people's money will make them many friends. And we are to be pausing here upon a point of etiquette with one of the suspected, who will be glad, perhaps, of the opportunity to quiet our fears yet awhile longer, whilst the plunderers are at their work, and the thieves are "taking and carrying away!"

I am, therefore, for abolishing so costly and corrupting a usage, admitting it to exist, and not to have been complied with in this case by an answer already made in advance. What were the moneys of the Post Office Department, compared with the entire revenue of this country, with a surplus in its Treasury of more than forty millions? A drop in the bucket—a rivulet to the ocean. I am for going into the investigation, then, immediately, probing this matter to the core, and saving the public money while it is still in my reach, if it is so, and saving the public morals before they become stale. Such are the first objections to the dilatory, ruinous, and whitewashing course proposed by my colleague.

But, sir, I have said that the Secretary has given an answer already, "by authority," in the Globe; and, I repeat it, that answer is false. If such a committee as I propose is granted, I will prove that answer to be a wilful suppression of the truth. I hold Mr. Secretary responsible for the whole editorial in the Globe; and what does it say? "No agent had been employed by the Department!" And further the respondent answered not, though he knew that an agent had been, and was then, and knows that he is now, employed by the deposite banks, by virtue of contracts with the Department, and, in some instances, upon its recommendation! Mr. Secretary also very officiously gives me "reason to believe" that "any information I (Mr. WISE) may wish concerning the deposite banks, in possession of the Treasury Department, I can readily obtain by applying for it, without the aid of a formal resolution." This is most gracious and obliging! I wish to know something about Reuben M. Whitney, and Mr. Secretary kindly offers to inform me about the deposite banks. I wish to be informed of the unrecorded transactions between him and Whitney & Co., and he pertly offers to give me any information, "in possession of the Treasury Department," as to banks, not Whitneys! I wish to examine him upon oath, under the authority and sanction of this House, and he gives us "reason to believe" that he will tell us any thing but the very thing we wish to know, "by (my) applying for it, without the aid of a formal resolution!"

And, sir, has it come to this: that subjects of such immense magnitude, involving the whole revenue, commerce, trade, and credit of the country, the integrity of Treasury officers, and the corruption of Treasury agents, the safety of the public moneys and the preservation of the public morals, shall be inquired into by the Representatives of the people in this way? Shall Mr. Secretary thus taunt a Representative with his inability to detect abuses, and his own power to stifle investigation? Am I, are we, individually, to bow before him for secret information touching the most vital public trusts, which he should be impeached for concealing, if he has concealed it from us as a House of Congress? Are the public functionaries, and especially he who holds the purse-strings, to be held responsible only so far as they may choose? Shall Mr. Secretary keep a part on the record and a part in his own bosom, and deal out the evidence as he pleases to individuals who are curious, and not be forced to testify on oath as to the whole truth before the people's Representatives? Sir, I would spurn the act of applying to him for information, who has already told me he will not answer truly. I will not condescend to ask him on his own terms, when I am convinced they are in fraud of my country, and when I have proposed terms of my own, which he will not, and, I believe, dare not, accept. I will not inquire, as Mr. Wise, for mere curiosity, when I feel bound to investigate, from a sense of duty, as a member of Congress. I will not apply to a man for evidence against himself, when I believe that I have no need of his confessions to convict him of falsehood, if not of corruption. And if

this is to be the medium of light and knowledge to the people of their public men and their measures, darkness will, indeed, so cover the land, that power may without fear conceal the abuses which it commits, with impunity.

He has also informed us that "the insinuation that some person, as an agent of the Secretary, or of the deposite banks, is employed in deciding on their selection, or in taking security from them, is without the least shadow of foundation." Now, sir, this too is a perfect special plea. Here, for the first time, does the "authorized" editorial speak in the disjunctive or alternative of an agent of the Department *or* of the banks; but as to an agent for what? For "deciding on their selection, or in taking security from them." "All these arrangements," says the answer, "are made between the public authorized officers of the Treasury Department and the banks only." But are "these arrangements" all? The Secretary, no doubt, decides upon selection, takes security; and the two contracting parties, the banks and the Department, contract; but who is the "internuncio?" Who secretly corresponds? Who reports upon the safety or solvency of the banks selected, or to be selected? Who reports, officially or unofficially, I care not which, upon the policy of selecting or continuing this or that bank of deposite, with a view to political party effect? Who is paid tribute for these offices? by whom? how much? Has any one, by this position, the whole money power of the Treasury, and the unlimited power of the credit of thirty-five banks? How is that power used or abused? Who is responsible? Who has the profits? Who suffers? Sir, we are told that all these "matters" are "purely and altogether of a private nature," and, perhaps, Mr. Whitney will condescend "to gratify the curiosity of Mr. Wise!" Sir, is not this bold effrontery, this hardihood of corruption, worse than the loss even of the public money? Shall we permit corruption to grow so bold as to beard us in our seats, and so strong as to plunder in open day? Is the rogue with the purse in his hand thus to taunt us by shaking it in our faces?

Have gentlemen so soon forgotten the doctrines and practices of "the party," in relation to the "fair business transactions" of the Bank of the United States? Do they not remember how far the committee of Congress, in 1832, went into the investigation of the private transactions of Thomas Biddle & Co. and of Noah & Webb, with the Bank of the United States? And are not the gentlemen of the committee of the last Congress, who proposed to go much farther against that fated and doomed institution not now here present; and will they change their tone of investigation upon a change of the deposites; and will they not assist me in ferreting out the private transactions of R. M. Whitney with the Department and the pet banks?

But, sir, I do not ask an investigation of private and individual concerns and transactions. These banks may pay their own agents touching their own affairs what they please: I wish only to know whether they pay an agent properly ours, for his services and negotiations touching the deposite, use, and control, of the public money. What right has any man, Department, or banks, to make their business, touching the public, secret? Surely, an investigation to ascertain the real agents of the Treasury, and the unknown keepers and disposers and beneficiaries of the Government funds, is not an inquisition. The fact of R. M. Whitney having the use and control of the public money, if such be the fact, which I wish to know, makes his agency a public employment, no matter by whom, really or ostensibly, paid; and I wish, further, to know its uses and abuses. If it be corrupt, I wish to trace its relations to Mr. Secretary; and if he be corrupt, I shall demand his impeachment. I ask again, then, shall the secrecy and privacy of this agency screen it from investigation? Shall those who are secretly concerned be allowed to tell only what they choose?

Sir, the constitution solemnly points out the manner in which officers shall be appointed. There are constantly many ways and devices practised whereby to create and pay officers under the evasive name of "agents," without the knowledge of the Senate, who constitutionally confirm nominations which should be made, or of the House of Representatives, who should no longer aid the abuse by passing so many items for contingent appropriations, now become the substitute for the fund of secret service money. This doctrine, by the by, of employing and paying agents, not named to the Senate, nor known to the appropriation bills, is working immense mischief in the Government; and I was sorry to see its principles and practices supported and justified the other day by a Virginian, my colleague, [Mr. Mason.] I ask now, if Mr. Secretary shall, under its authority, clothe R. M. Whitney with all the attributes of an officer, and with more power by favor than he could possibly obtain for him by law, and then escape accountability for his malfeasance because he is not an officer under his control? By the same cunning invention, in fraud of the law and the constitution, may not agents of every description be foisted into every Department? And if in, without being known to the law, and officers in fact, without responsibility as such, will not their chances of pillage be multiplied beyond calculation, and the means of detecting them be impossible? Shall official corruption be cloaked under the mantle of inviolable privacy? Is the corruption the less dishonest, or the less to be sought after, because it exists in secret, and is the more difficult to be found out? Shall we knowingly permit the very plan invented to deceive us to succeed? Do gentlemen expect deeds of darkness to be done in the day? Will they not investigate until crime is already public? Can there be no corruption which is not official? Is Whitney purposely not made an officer or agent of the Government, in order to avoid all manner of responsibility as a private agent of the banks? Are public officers to be converted thus into private individuals, and official responsibility into private trust? Privacy, sir, secrecy! is all they ask to perpetrate their deeds of darkness; and shall we not hold up to their deeds the light of truth? By a patent slime of corruption shall these eels of filthy pools be made to elude the grasp of investigation? Never! with my consent.

But, sir, the difference between an inquiry and a trial is not the only, though the chief, difference between this resolution and the amendment proposed. If the resolution of my honorable colleague be critically examined, it will be found that it could not be more artfully drawn than it is to correspond exactly with what we may now certainly, "by authority," anticipate will be the answer to it by Mr. Secretary. It does not inquire even as far as justice to truth and the country demands. It asks only such questions as Mr. Secretary has said beforehand he will answer, and none whatever that he has evidently shown a disposition to evade.

To understand the extent of the difference between the resolution and amendment, we must understand, or keep in mind, the nature and character of the agency employed by the Department, and paid by the banks to be inquired into or investigated. An agent, sir, is not required so much by the Government to select these deposite banks, and make contracts with them, as he is required for the purpose of obtaining information concerning them, upon which Mr. Secretary may decide upon their selection, and upon the formation of contracts with them. The agent does not select; he does not contract with them. But he furnishes the information upon which selection and contracts by Mr. Secretary and the

banks are based. I therefore go, first, beyond the mere "mode and manner" of selecting and forming contracts with the banks, and propose to investigate the character of all correspondence touching the public deposites.

What may we suppose to be the character of a correspondence between Mr. Agent Whitney and Mr. Secretary of the Treasury, in relation to a bank which is proposed to be selected and contracted with by the latter? If any such regular correspondence exists, will gentlemen not inquire into it? I believe, sir, that much would be found in such a correspondence to be dreaded. I believe, sir, that there it can be found that political considerations weighed heavier than all fiscal reason for selecting and contracting with certain local banks. I do not charge the fact to be so. I charge nothing. I only wish to investigate whether the fact be so or not. I do not expect, sir, that investigation will find the fact to be so affirmatively. I presume that if Whitney ever has recommended a bank from political considerations, it has been done negatively. He might in a letter to Mr. Secretary very properly say, for instance, that in this or that State or city there are several banking institutions, all equally sound and safe as to credit and funds, but that this or that bank will use the public money for political purposes, because its controlling officers and its stockholders are warm partisans of a particular party, and therefore it would be improper to select it as a bank of deposite; and he might recommend another bank, the officers of which might, in like manner, belong to another party, but who would not use the public money for political purposes. Poor human nature is weak! Now, which, sir, with Reuben M. Whitney, do you suppose, a whig or a tory bank, would be most likely not to use the public money for political purposes? A correspondence of this negative character has actually come to light, and the rogue has actually given it this turn. Again, sir, may not the hint sometimes be given that a bank may be bought to buy up for "the party," which will buy up against "the party" if it be not bought? May not considerations of speculations in trade, too, be found hidden in letters touching the public deposites? What, in a word, sir, may not be found in the inner recesses of a Department with so much money held at will, and without check or watch? I wish to know all, and the people have a right to know every thing touching their Treasury.

But, sir, the most important function of this agent is, not only to obtain information, but to supervise, and examine, and report upon the condition, the solvency or insolvency, of these banks, and to guard the safety of the public money. He may not select, he may not contract with these banks, and he may not be paid by the Government of the United States; but if he is the examining, the visiting, the reporting, or whatever other agent you may call him, who is, in a word, the eye of the Treasury Department over the safety of the public money, and consequently over the solvency of these banks, his trust is still more important and responsible. I, therefore, sir, am for investigating whether the Department has such an agent; for finding out "all connexion or relation, official or unofficial, which exists, or has existed, between any person or persons and the Treasury Department, or between them and the deposite banks, or any individuals or banks, touching the custody and the control and deposite of the public money." Nothing of this inquiry is embraced by the resolution of my colleague. Will not gentlemen go beyond his inquiry into this important field of investigation? Ought we not to see that our moneys are safe, and by what means they are guarded? Sir, we are already told that no agent is employed or paid by the Department. But it is notorious there is such an agent to supervise and report upon the condition of these banks. By whom is he employed and paid? Is it possible that he is paid by the banks themselves, which are to be watched and guarded? I demand to know if this be the fact. If so, it is ground alone for investigation, for it carries fraud and corruption on the face of it. It is flagrant robbery of the Government. Sir, we are told that Argus of old had an hundred eyes, employed and paid by the jealousy itself of Juno, to guard Io, the mistress of Jupiter—an hundred eyes to watch a single heifer, and they were all soothed to sleep by the harp of Mercury. Now, sir, our Argus of the Treasury has but two eyes to watch thirty-five banks, by whom he is employed and paid to guard themselves! Sir, do you suppose that either of those two eyes is for the Treasury, or that one is not for himself first, and the other for the thirty-five banks next, as surely as that the dog will lick the hand that feeds him? Whom do you suppose that Reuben M. Whitney, thus employed and paid, will serve—God or Mammon?

But, sir, the amendment goes beyond the resolution still further, in proposing to investigate the manner in which the public moneys, appropriated or unappropriated by law, have been disbursed or used, as well as deposited by the executive departments and their agents. Let me be understood as making no charge whatever in advance, by the supposed statement which I will give in illustration of the object of this branch of the investigation. The last Congress made a very large appropriation to a certain public work, which, with an unexpended balance of appropriation before made, amounted to little less than six hundred thousand dollars. Heretofore, superintendents of public works have been employed, whose business, I believe, it was to supervise the contractors, and to disburse their pay in the usual form of checks upon some convenient bank or banks of deposite; but suppose that, in the late instance of disbursing the appropriations for the work alluded to, this mode was somewhat changed, and the whole amount of nearly six hundred thousand dollars was placed in the hands of a single agent, in the form of a draft upon a deposite bank at Pittsburg; suppose this agent kept this draft ten months in his hands, until, by the assistance of "accommodations," and upon the credit of the draft, he could purchase up the notes of the Pittsburg bank upon which it was drawn at a discount of from three to five per cent. in the Eastern cities; and that this agent thus realized some fifteen or twenty-five thousand dollars by the speculation on the public money. Sir, I ask gentlemen whether facts like these should not be brought to light, if they exist; and whether a mere inquiry addressed to Mr. Secretary of either of the Departments would be likely to develop the truth? Will this House aid these corrupt speculations upon the public moneys, by refusing to investigate the truth of facts like these, believed to exist, and capable of being proved?

There is not time, we are told, at this advanced period of the session, to finish this investigation. Are we not sent here to do the work set before us? Come we here only to pass appropriation bills to pay these plunderers their salaries by law, in addition to what they get without law, and then go home? Shall we leave our posts without detecting the Treasury thieves, and without finding out their secret means of getting into the strong box? Shall the public money be left open to plunder, and shall we throw no protection around public virtue? Sir, I consider this the most important subject with which we have to do—vitally more important than all the presidential questions since the foundation of the Government; and I, for one, am willing to sit here until December, if I cannot sooner satisfy myself that the money of the Treasury is safe, and what is more important, that the morals of the public officers are pure as human weakness will admit. It is a great mis-

take, sir, on the part of those who are interested to drive us from our posts as soon as possible, to suppose that the people are not anxious for us to do our duty, and that they are not willing we should take abundant time to do that duty thoroughly and faithfully. Day after day gentlemen suspend the rules, or give universal consent, for the purpose of offering resolutions to inquire into the expediency of establishing a mail route, of granting a pension, of paying a private claim, or for any purpose, however trivial or unimportant, so it does not touch the subject of abuses; and yet they plead that they have not time to investigate the great and paramount subject of protecting your whole revenue from pillage, and your highest public offices from the most dangerous abuses.

Having shown the great difference, both in character and extent, between the resolution of my colleague and the amendment which I propose, here I might conclude: but, sir, I must inquire, what now is the condition of your public moneys? They were once safe in the Bank of the United States. That institution was clamored down by "the party," under the weight of charges of corruptly using its funds for political purposes, and of being a dangerous commercial monopoly. The deposites were removed by an extraordinary exercise of executive power, and the public moneys were taken into the custody and control of the Secretary of the Treasury, without regulation by law. The President of the United States has admitted that its custody and control belong to Congress, but the Secretary of the Treasury must remain stakeholder for the Government until Congress directs by law by whom and in what manner the public money shall be kept. And in this character of mere stakeholder, until Congress passes an act, the Secretary of the Treasury, on his own responsibility, has proceeded, and without resort to Congress, even whilst in session, to form extensive contracts with numerous local banks for the deposite, safe keeping, and transfer, of the public money, and has assumed to himself solely the power of controlling these banks, and, through them, the entire currency of the country! As evidence of these facts, I refer to a circular of Mr. Secretary Woodbury, dated the 22d of February, 1836, in which he "requests that, after the 4th of July next, the deposite banks will not issue notes of a less denomination than five dollars; and that, after the 3d of March, 1837, they will issue none of a less denomination than ten dollars." With what a parade of dates does this potentate of the currency issue his "*sic volo*" in the form of a request! Dated on Washington's birthday! To commence operation on five dollar notes on the day of the Declaration of Independence!! And to annihilate all notes under ten dollars on the day when the presidential term of General Jackson expires!!! The object is to introduce the "golden age," and the reason given is that the "gold coined at the mint will supply the place of small notes!" Sir, I put it to you, would not this be the very farce of humbuggery, if it was not acted by a Secretary of the Treasury who is thus attempting to cloak the most dangerous assumption of power, in perfect derogation of the power of Congress, by imposing upon the confidence of the people in a popular name? The Secretary proceeds: "And it is deemed reasonable that while the deposite banks have the use, without interest, of unusually large sums of the public money, they should make some further temporary sacrifices to obtain and circulate gold," &c. Sir, here is an admission by the Secretary himself that these banks have "the use, without interest, of unusually large sums of the public money!" What right has he—a mere stakeholder, a mere guard, a mere servant, who should not dare to act until ordered by law—to give the use of a single dollar to a single bank, much more "the use of unusually large sums, without interest?"

When Congress, sir, exercised the power of granting a charter, or, in other words, of making a contract with the Bank of the United States, every consideration on both parts was openly expressed by law; and that much-abused institution was obliged to pay a bonus of $1,500,000, and to perform numerous and onerous duties, without charge or demand of interest on its part, for the Government, in consideration of being made the depository of the public money; but now the deposite banks are granted "great privileges from the Treasury, and have the use of unusually large sums," without bonus or paying interest, and without performing many duties which were required of the United States Bank. Who gave Mr. Secretary authority to give the use of such unusually large sums to one bank, and not to another? Does not the use of these unusually large sums give the deposite banks immense powers over the other local banks? Who gave him power to discriminate between them? And, above all, who intrusted him with the enormous prerogative of requiring any set of local banks to "make further temporary sacrifices to obtain and circulate gold," or for any object or purpose whatever? Sir, the answer is in what follows of the circular: "From the liberal spirit evinced by these deposite banks, in a late correspondence with them on this subject, it is expected they will comply with all requests made by the Department, with a view of improving the currency; nor will it, I trust, be considered unjust or impolitic, while the deposite banks shall continue to enjoy great privileges from the Treasury, to regard a neglect or refusal of any of them to comply with these requests as sufficient cause for discontinuing the employment of such banks as a fiscal agent." Here we see that the Secretary holds a most important correspondence with these banks upon a subject which he has no authority to touch, and to which no official duty of his properly relates. He expects these banks to comply with all requests made by the Department; and why? Because he has assumed the power of making contracts with them which he can annul at his will, by "discontinuing the employment of such banks as neglect or refuse to comply with these requests." He expressly assumes to improve the currency by means of this power to employ or discontinue these banks as fiscal agents, and directly admits that they "enjoy great privileges from the Treasury!"

Thus, without law or authority, or necessity in the case, has Mr. Secretary used the public moneys which he was bound to keep only, in acquiring and exercising powers which belong only to Congress: the powers of controlling the circulating medium, and of regulating the currency; powers which belong only to State Legislatures; the power of restricting the issues of local banks, and of requiring sacrifices from them to bring gold into circulation; and powers which belong to no Legislature or tribunal or person in the country: the power of granting to particular local banks "great privileges from the Treasury," "in the use, without interest, of unusually large sums of the public money!" Now, sir, I ask, if relations like those existing between Mr. Secretary, who has thus acquired these vast powers, undelegated and unauthorized, and the deposite banks, thus enjoying great privileges from the Treasury, created solely by the public moneys, should not be investigated promptly and thoroughly? Mr. Secretary speaks of "restrictions on agents and officers of the Treasury." Who are these agents? Agents for what purposes? By whom employed, and by whom paid? This we are told shall not be investigated by us, for the very reason that Mr. Secretary is a mere stakeholder, and he only is responsible to us for the safe keeping of the public money, and for its forthcoming when called for by law, until Congress passes a bill for the regulation of the public deposites. Consequently, sir, I find in the contract with

the Metropolis Bank, which alone I have had an opportunity of examining, that it stipulates that the Secretary of the Treasury only shall examine its books and general condition. He may examine and report to us, but we are thus debarred, it is contended, from examining for ourselves into the condition of any other banks than those of the District. The Secretary is responsible to the nation, and the banks are responsible to him!

Now, sir, I am not for permitting Mr. Secretary to avail himself of a double aspect, in one point of view, to avoid responsibility on the part of his fiscal agents to Congress, to assume the mere character of a stakeholder; and in another point of view, to justify his assumption of power in controlling the currency, to regard these local banks as properly fiscal agents of the Government, instead of standing in the mere private relation to him of places of deposite for the public money, which he, as an officer, is bound necessarily to keep merely, until provision be made by law for its custody and control. If he is a mere stakeholder, he has no pretence of authority for the dangerous powers which he has so arrogantly assumed; and if he has authority for employing, and regulating, and controlling, the fiscal agents of the Government, I hold him responsible for placing the public moneys in banks the condition of which cannot be examined by Congress, and for taking from Congress all power of supervision and guardianship over the public money, by the arrangements and contracts which he has made with these deposite banks. We may at least examine the contracts, the manner of making them, and the agencies employed in superintending their faithful execution.

Sir, I knew that the war waged against the Bank of the United States was a war of rapine and plunder by "the party." I knew that their object was to get possession of the public money for the very uses and abuses which they charged upon the monster, and they have fully succeeded! So I told my constituents two years ago; and I mourn that they are to be soon convinced of the truth of my prophecy. The public Treasury is full to overflowing, and the nation is at this moment apparently reaping a harvest of unexampled prosperity; but there is a canker in the bud. The more money in the Treasury, the more danger to the purity of the Government; and the greater the excess of a bloated currency, the more painful and lingering will be the fiscal and commercial disease which is surely to follow. In both Houses of Congress now "the party" has a majority; the deposites have been removed more than two years, and I venture to predict that no law will be passed this session to take into the custody and control of law the public money, nor will the large surplus in the Treasury be distributed or disposed of in any manner to deprive "the party" of its uses and privileges in prospect of the coming presidential election. The present condition of the Treasury will not be disturbed, and no liberal system for the distribution of the surplus revenue will now be adopted, for the best of political considerations, with a "spoils party."

No measure of this sort will be passed or adopted, because, in the first place, to touch the surplus revenue would be at once to lose it in the ruins of the deposite banks and their debtors. By the report of the Secretary of the Treasury, made to the Senate, April 18, 1836, it is shown that, on the 1st of March, 1836, "the immediate liabilities of all these banks" amounted to "about ninety-three millions, and the immediate means of all" amounted only to thirty-eight millions! These depositories of the public money being more than twice insolvent, and insolvent, too, at a moment when there is every prospect and indication of a general pressure and panic, by which they will be called upon immediately for all the means at their command. I sincerely hope they may survive the shock. But, sir, if the deposite banks were as sound and safe as the Bank of the United States ever was, there is still another more potent reason for retaining the public moneys as they are. Sir, they are wanted for the use of R. M. Whitney & Co. Will gentlemen please to inform me what consideration these banks pay for the use of the public deposites, except the "*douceurs*" or dividends which they pay to Reuben M. Whitney & Co.? Money, sir, I am authorized to say upon the highest authority, I mean that of experienced and extensive merchants, was never in greater demand than it now is in the markets of all the great Northern and Eastern cities. The demand for it yields from two and a half to three per cent. per month, and from twelve to eighteen per cent. per annum. And, whilst money is thus in the greatest demand, prices of every thing are at the highest rate, and speculation is raging in every direction. He who can now lend money is realizing a vast profit; and, at the same moment, he who can borrow money at a fair rate is realizing at once a fortune. This, I hesitate not to say, is a forced state of things. It is produced by those who have the control of the money power. Who now has every facility of borrowing, of lending, and of investing? He who can borrow at six per cent. per annum, and lend at three per cent. per month; or who can now obtain any amount of money to invest in public lands, in the purchase of slaves, stock, town property, or any thing else, is at once gifted with the touch of Midas. Who now can obtain any "accommodation" from deposite banks, and every facility and indulgence upon discount or loan to any extent which you, nor I, nor any one else, can obtain? Reuben M. Whitney & Co.

Will not gentlemen inquire who are the partners of this firm of Whitney & Co.? I believe it is a rule of chancery, that a party can compel one known partner to disclose all the unknown partners of a firm. It is the rule even at common law. My friend from Kentucky, [Mr. HARDIN,] who is the most distinguished lawyer in my eye, will set me right—if there be any secret and unknown partners, that the known partners shall not take advantage of the unknown not being named in the pleading, without notifying the adverse party of all the actual partners. In equity and good conscience, the people are entitled to a disclosure from this firm, which is using their money, and endangering their best interests. Who, then, is included in that omnibus of all unknown partnership names—Co.? It is as notorious as any other fact, that "an agent," named Whitney, is the known partner; and who are his confederates? Who reports to Mr. Secretary? R. M. Whitney. Who corresponds with Mr. Secretary? R. M. Whitney. Who is the agent of the deposite banks? R. M. Whitney. And he who walks the streets by noonday sun may see the offices of Mr. Secretary and Whitney, side by side, under the same roof of a house rented, I believe, by the Government. There is no sign up of R. M. Whitney & Co.; but, sir, I believe that poor old Uncle Sam furnishes every dollar of the funds, and the entire stock in trade, without a farthing of the profits, and incurring all risk and paying all charges! This I denounce as a most stupendous fraud, a nefarious speculation upon the people with the aid of their prejudices against a national bank. Thank God, the United States Bank is gone; and now, if the people have eyes and will see, they will discover the humbuggery and fraud which have been practised upon their honest confidence by "the party" claiming to be their exclusive friends! Certain it is that R. M. Whitney is employed and paid largely by some body or corporation. I believe it can be shown that he is paid, virtually, out of the public money, a tribute from the deposite banks, larger than the salary of the President of the United States. His agency is not officially recognised by Mr. Secretary, and yet the very contracts which Mr. Secretary makes with these banks, in conformity to

the formula of Amos Kendall, who was scouting agent of the Department, show on their face that such an agency is contemplated and expressly stipulated for.

It can be shown that these banks pay large stipends to this agent, in proportion to their amount of deposites in each, respectively, and upon the recommendation of the Department. The deposite banks have the use of the public money without interest, when it can be proved that a number of banks, equally sound and safe, have bid, or are willing to pay, as high as from two to three per cent. for the public deposites. The surplus revenue alone, not wanted, not called for, remaining with the banks, is exceeding thirty millions at least, and the amount of interest which might be got on that sum may be safely stated at one million per annum; a sum now wholly lost to the Government, and pocketed by Whitney & Co.! How much out of this one million per annum may not these banks well afford to pay their guardian angel and our faithful agent? He may get $20,000, and $100,000 may well be afforded. But how much more may they not spare, if, as I believe, instead of discounting on this money in the regular way, they put it in the hands of brokers, and realize on a large portion of it from two to three per cent. a month? Whitney may get his *douceurs* for selecting, his tribute for the good-will of continuing in employment as fiscal agents, and his advantages of accommodation merely by way of "extras;" and then, in addition, he may be of a firm—a Co.—which divides regularly the immense profits of shaving upon the people's money. Sir, let me illustrate. There are about ten millions in the three pet banks of New York. Is this sum all loaned out in the ordinary way of discounts? I am informed not. By a law of the State of New York, all the banks are restricted from discounting for any amount beyond twice and a half their original capital. According to the report of the Secretary, the capital of the three banks in New York, (Bank of America, Manhattan Company, and Mechanics' Bank,) amounts to $6,051,000, and the deposites in them to $9,941,000—to once and a half the amount at once of their capital. It is to be presumed that they had discounted to the full amount allowed by law before they became depositories of the public money. Now, sir, do gentlemen suppose they let this sum of ten millions lie idle in their vaults, if they cannot discount upon it, or a large portion of it? May it not be used by the directors and their friends in stock operations, and shaving notes to the tune of two and three per cent. per month? Have the stockholders any of this plunder? Doubtful, as they have only the right to demand the profits on the original capital of the banks. May not the directors place this surplus money in the hands of a trusty broker? By whom is the Manhattan Company managed? By the attorney of a foreign nobleman, who owns the majority of the stock. Who are the brokers of this bank? Is not their office called the "Young Manhattan Bank?" Sir, if a poor devil has his paper thrown out of bank, cannot this "Young Manhattan" accommodate him with a check on the "Mother Manhattan," provided he will pay for it? Cannot these brokers, by means of the public money, control the stock market, or raise or depress the stocks at pleasure?

[Here Mr. WISE read an extract from a letter received from Pittsburg, inquiring "how it happens, if the deposite banks are intended to supply the place of the United States Bank, that the Merchants and Manufacturers' Bank at Pittsburg is now discounting notes of many other institutions at half and one per cent., and among that number the notes of the pets at Cincinnati and Louisville, the pets of Indiana, Illinois, and Michigan, excluded entirely?" and stating "it is a notorious fact that the majority of the money received in payment for merchandise in this city is money of the Western banks, and some remedy ought to be adopted to prevent these evils of shaving, especially where the pets are guilty of keeping a broker's office."]

Yes, sir, at this very moment, whilst the infamous Globe is charging upon me the design of producing a panic, its editor (Blair) knows that R. M. Whitney & Co. are committing that very offence themselves; that it is their interest to do so, and that they can do so with tenfold more effect than ever could the great monster itself. They have the entire control of the public moneys and of the deposite banks; may curtail and discount at pleasure; make a run for specie; transfer funds and concentrate the money power; raise and depress stocks; make the circulating medium scarce or plentiful; and produce panic and pressure when and where their interest and policy may dictate. There is every inducement, then, on the part of Whitney & Co. to conceal this dangerous organization of a money plot from the public eye.

Sir, the public money belongs to all the people alike. If there are advantages in its use, the constituents of us all should be equally benefited in the enjoyment of its blessings. It should be made a blessing to the whole nation, and not be made a curse to the many for the benefit of the few. It now gives to R. M. Whitney & Co. the power of laying us all under contribution. They may depress our property down to the lowest price, purchase it from us, and then again raise its value to a maximum which will raise their money again up to two and three per cent. per month; and this fluctuation of value may be continued *ad infinitum* to their profit and our ruin, so long as they may thus raise and depress by the lever of our own money! Was it not for this very odious power that the monster was laid prostrate? And will not gentlemen, who once clamored so loud against a tyrannical monster with one head, now assist against this hydra with many heads?

Sir, we have heard much about monopolies. The word is the watchword of "the party." Was there ever such a monster monopoly known as that of R. M. Whitney & Co., which, without law and against law, without responsibility, and with the means of preventing investigation, wields and controls the entire funds of this Government, with a surplus revenue of thirty millions, and holds at command the entire credit and trade of the country, and the entire value of its property? I tell my colleague and my country, that the position of R. M. Whitney is too strong and dangerous for any man to occupy, with all the restraints and limitations of the most guarded law about him. Is this power in the hands of a public plunderer, licensed without law, irresponsible without office, secret without the means of detection, safe because supported by "the party," for supporting "the party," not to be dreaded? Are the people to feel panic and pressure, and the heavy hand of oppression, in every form, and not know whence it comes? Is their Treasury to be wasted, their trade and commerce stifled, their property struck down, their prosperity destroyed, and their liberties to be endangered, by a secret money-leech? And are they to be kept in ignorance of his "agency," covered up under the pretext of privacy? How is it, I demand for my people, that one man, and he not an officer, not known to the laws, not sworn, not responsible, unsearchable, and whose ways are past finding out, is permitted to wield this political and pecuniary power, tenfold greater and more dangerous than that complained of in the United States Bank, in a country like ours, yet free, and just flushed with imaginary victory over a monster monopoly? Would you, or I, or any man of us, if Mr. Secretary, with the control of the Treasury, permit even father, or brother, or son, much less R. M. Whitney, to enjoy the power and profit of this immense monopoly—of all monopolies the monster—

without a *quid pro quo?* And who is Reuben M. Whitney, that he should be the favored man of all men in fattening upon the spoils of the public purse, and that he should be protected by gentlemen from the scrutiny of investigation, as if in the sanctuary? Who is he who is suffered to insult a Representative by his villanous cards in the official organ, for daring to offer a resolution of investigation? An infamous wretch who took the oath of allegiance to Great Britain, in Canada, during the last war, and who has since taken a false oath against his neighbor. Sir, let me remind this House and the nation who this individual is, who is now the pet of the Treasury and the pet banks, by reading a report upon his character made in 1832, by George McDuffie, John Q. Adams, and John G. Watmough—three gentlemen of as high character for truth and integrity as any to be found in any country. In reports of committees of the 22d Congress, 1st session, 1831-'32, page 307, we find the following passage:

"There was one occurrence during the examination of the transactions of Thomas Biddle & Co. with the bank, which merits particular notice.

"An informer and witness, by the name of Whitney, who had formerly been a director of the bank, was produced, who declared, upon oath, that in May, 1824, two of the cashiers of the bank had informed him that Thomas Biddle & Co. had been in the habit of drawing money out of the bank, on a deposite of stock in the teller's drawer, without paying interest, and that the president of the bank had discounted two notes, one for Thomas Biddle & Co. and one for Charles Biddle, without the authority of the directors. This witness stated that he went with these officers of the bank, and examined the teller's drawer and the discount book, and found the facts which had been stated to him verified by the examination. He also stated, to give additional certainty to his averments, that he made a memorandum at the time, with the dates of the transactions; which memorandum he produced to the committee. Having thus unalterably fixed the date of the transaction, as if by some fatality, he went on to say that he immediately proceeded into the room of Mr. Biddle, (Nicholas,) the president, and remonstrated with him against these irregular proceedings, and that Mr. Biddle promised him that they should not occur again.

"Mr. Biddle was present during the examination of this witness. On that day, being on oath, he said that he was utterly astonished at the testimony of the witness, and could only oppose to it his solemn declaration that there was not one word of truth in it, from the beginning to the end. He added, that, from the relation in which the witness stood to him, he would have sunk into the earth sooner than he would have dared to come to him with such a remonstrance as he pretended to have made. The officers of the bank, from whom the witness alleged that he derived this information, were examined, and all of them positively contradicted him. They testified and demonstrated from the books that Thomas Biddle & Co. had never obtained money, in any instance, without paying interest, and that the two notes which Whitney asserted to have been discounted by the president alone had been discounted regularly by the directors.

"In the interval between the adjournment of the committee that day and its meeting the next, a member of the board of directors suggested to Mr. Biddle that he was, about the time of this alleged transaction, in the city of Washington. On examining the journal of the board and the letter book, it was found, by entries and letters, that, for several days previous to the alleged interview between the president and Whitney, and for several days afterwards, the president was absent on a visit to this city, (Washington,) on the business of the bank, and General Cadwallader was acting as president in his place!

"Thus was this artfully devised story, which was intended to blast the reputation of a high-minded and honorable man, through one of those extraordinary interpositions by which Providence sometimes confounds the contrivances of the wicked, made to recoil upon the head of its inventor, who must forever stand forth as a blasted monument of the speedy and retributive justice of Heaven."

This "blasted monument" is Reuben M. Whitney! How came he in charge of the forty millions of the treasure of this land? Did not Mr. Secretary know him? Sir, I believe it can be proved that the former Secretary of the Treasury (Mr. Taney) refused, or promised to refuse, to recognise this perjured villian and traitor as an agent of the banks, on account of his character. How comes he now in pay and employment? Who employs him? Sir, Reuben M. Whitney is nothing, but his connexion with the public Treasury is something. It is almost enough in itself to give assurance of corruption and wrong, when such a person is the selected and approved agent of the Treasury!

Oh, my country! when I see that patriotic man who fought for his country, and who has the confidence of his countrymen, countenancing a traitor who swore to obey the laws of an enemy during the last war, and a perjured man, who hassince sworn falsely against his neighbor; when I see the public treasure expended to repair and build up anew "a blasted monument of the speedy and retributive justice of Heaven;" when I see the holy vessels of the very shrine of our temple handled by the touch of a mercenary miscreant; when I see a spoils-monger of party, a pimp of money-changers, a pander of power's parasites, fattening and glutting upon the substance of this land of the free and its people—all within me asks, whence come the revenues of this country? Tell me, ye bold adventurers of the stormy seas, ye busy merchants of the exchange, ye sunburnt Southerners of the sickly cotton clime, ye hardy woodsmen of the Western wild lands—all who till or trade, toil and are taxed—tell me if your labor and enterprise did not lay up this sacred treasure for your country! Shall the great price of the sweat of your brows be spent upon a traitor in the work of corruption? What say the representatives of the laborers? Sir, when I think of my constituents, who venture thousands of miles over the ocean with their produce, and who pay their duties to their Government upon their return, or of the poor emigrant who leaves the hearth of home and wends his weary way over mountain, lake, and river, and expends his "little all" for land surrounded by savage dangers: when I think of a Treasury overflowing from these sources, and of its being worse than wasted on pimps and plunderers, I am impelled to a deed of daring which I know will bring down upon my head the vengeance of power; but I defy the tormentors! It is only the rod of the money power I dread; it is mammon only, wielding so monstrous a monopoly, I fear. Are all men forsworn? I exclaim against the foul pollution. I call upon every apostle of liberty left to assist in driving the money changers out of the temple. Has the money mania seized the minds of all men? I fear the spirit of speculation is the legion which is tearing us. Has the stroke of steady policy been arrested for the purpose of a general scramble? Will honest men be benefited? Will the people's prosperity be promoted? No! Speculation in stocks and speculation in politics rage together. Power and purse have joined hands, and, weal for the few of the party, wo for the many of the people. All are drunk on the day of the harpies' harvest; oh! who shall be the gleaners? "The party" triumphs, and the patriot weeps.

Sir, why refuse an investigation? If there be any thing foul or corrupt in the Treasury Department, surely

it should be known; and, if all be pure within, should not men who are honest delight to demonstrate their rectitude? And what danger will there be of exposure? Your Secretary of the Treasury should be above suspicion; and always, heretofore, in every instance, of Hamilton, Crawford, and Calhoun, no sooner was suspicion whispered than investigation was demanded by the Secretaries themselves. But, sir, I plead in vain. I know it. This state of things must remain as it is—deep dyed in corruption, and the money must remain in the Treasury, not only for the sake of the banks and Whitney & Co.'s private speculations, but for the use of "the party." Who now can compete with Whitney & Co. in bribery for presidential candidates? Let the correspondence with the Illinois Bank answer. What, now, is obviously the maxim of "the party," by which to rule and govern? "Give us the golden key, and we will unlock the hearts of the people." With power, patronage, and the purse, dictation itself may raise its horrid front, and corruption be bold. They have the people's own money wherewith to make the attempt upon their virtue, and, if they succeed, theirs will be the dominion of gold! Is it not well known that numbers of stockholders and bank officers have already been converted or neutralized by the power of the deposites? Cannot these deposite banks loan and accommodate precisely as the Bank of the United States was so clamorously accused of doing by this same party? Sir, we have arrived at the awful crisis when the question is, "Shall the people be ruled and governed by their own money?" A solemn question. I have the utmost confidence in the people, who have ever, as yet, proved more virtuous than their rulers. And let me tell the candidate for the next presidency, who is called the magician, (Mr. V. B.,) and hopes to sway with the wand of gold, to go and learn a prophetic lesson from the holy Bible. "When Simon, the sorcerer, saw, that through laying on of the Apostles' hands the Holy Ghost was given, he offered them money." Peter said unto him, "Thy money perish with thee, because thou hast thought that the gift of God may be purchased with money. Thou hast neither part nor lot in this matter."

So, sir, when the sorcerer or magician of this day saw that, by great and meritorious services, by long and faithful probation, by honest and patriotic devotion to the country, and its constitution and liberties, alone, the presidency and its power, and places, and pomp, and patronage, could be merited and won; being old, and having done nothing to deserve the highest reward which the country can bestow—cunning, and having the facilities of a favorite—sycophantic, with the spirit of a fawning slave—a political Jesuit, with the holy corps of "the faithful"—ambitious, with a trained band of mercenaries at his heels—a Machiavelian for policy and expediency alone, totally regardless of principle, with millions of gold in his hands, like Simon of old, who offered to purchase the gift of God, he has bethought him to purchase the gift of the people with money! Sir, I say, if the people are as faithful to their liberty as Peter was to his God—and they should be, for liberty is the gift of Heaven—they will say to him, as Peter said to Simon Magus, "Thy money perish with thee: thou hast neither part nor lot in this matter."

Before Mr. WISE had concluded his speech, the whole of which is given above,

Mr. PATTON moved that the House proceed to the orders of the day; which was agreed to, by a vote of 81 to 72.

Mr. THOMAS moved to suspend the rules for the purpose of enabling him to present a resolution giving priority to certain bills in relation to the boundaries of Ohio and Michigan, and to the admission of Michigan and Arkansas into the Union.

Mr. GRANGER called for the yeas and nays; which were ordered, and were: Yeas 119, nays 70.

Mr. PEYTON gave notice that, if the motion prevailed, he should move to amend the resolution so as to embrace the bill regulating the deposite of the public moneys in certain local banks.

Mr. CAMBRELENG asked if the resolution went to exclude the appropriation bills altogether.

Mr. THOMAS said it did, until the bills designated in the resolution should be disposed of.

Mr. CAMBRELENG. Then I shall vote against it.

Mr. THOMAS asked for the yeas and nays, and they were ordered.

The question being taken, it was decided in the negative: Yeas 119, nays 70; not two thirds.

Mr. STORER moved to suspend the rules to enable him to offer a resolution setting apart Tuesday next, after 12 o'clock, to consider the bill establishing the northern boundary of Ohio; which motion was rejected.

Mr. PATTON moved to take up the bill to establish the Territorial Government of Wisconsin, which the Senate returned after having agreed to two of the amendments of the House, and disagreed to the third amendment, reducing the salary of the Governor from $3,500 to $2,500, for his services as Governor and superintendent of Indian affairs.

Mr. PATTON moved that the House recede from the amendment.

Mr. UNDERWOOD hoped, he said, that the House would not recede, and asked the yeas and nays; which were ordered.

After a few words from Messrs. JOHNSON of Lousiana, JONES of Michigan, HARDIN, UNDERWOOD, VINTON, ASHLEY, BOON, G. LEE, and PATTON,

The question was taken, and the motion to recede rejected: Yeas 58, nays 135.

On motion of Mr. CAVE JOHNSON, the House then insisted upon the amendment.

GENERAL APPROPRIATION BILL.

The House then went into Committee of the Whole on the state of the Union, (Mr. PATTON in the chair,) for the purpose of proceeding in the consideration of the bill "making appropriation for the civil and diplomatic service of the Government for the year 1836."

The motion pending was to strike out the appropriation of $250 for the commissioner of the sinking fund.

The appropriation was objected to, because the necessity of the office had expired, and there was no duty to perform; and was insisted upon on the ground that it was a salary office, and so long as it existed, and was not abolished by law, let the duty be more or less, the salary established by law ought to be paid.

After some few remarks by Mr. CAMBRELENG, Mr. CAVE JOHNSON, Mr. PEARCE of Rhode Island, and Mr. MASON, the amendment was rejected without a count.

Mr. WISE moved to strike out the clause appropriating "for contingent expenses of the Secretary of War, 3,000 dollars."

The opposition of Mr. WISE was upon the ground that the money was not wanted for any known object, and he did not see why 3,000 dollars should be wanted in addition to the general appropriation for the Department. It was replied that the money was wanted for expenses in detail; such as printing, stationery, &c., necessary to the business of the office.

After a few observations by Messrs. CAMBRELENG, SHEPPERD, MASON, and WISE, the motion was withdrawn.

[Mr. WISE again objected to the number and variety of the items for contingent expenses for every department, which amounted to so large a sum in the gross;

and, after some explanation by Mr. CAMBRELENG, he withdrew his objection, and allowed the Clerk to proceed in the reading of the bill, till he came to the appropriation of $5,500 for the contingent expenses of the Commissioner of Pensions, which, as a branch of the War Department, he thought could not require so large a sum. Unless some satisfactory explanation could be given, he should move to strike it out. Mr. CAMBRELENG replied, that every member of Congress knew that the business of the office was very expensive, and the numerous calls upon it in every way rendered the expenses for stationery and other well known numerous expenses, as great, or greater, than any other department. Mr. WISE then wished to make the appropriation specific, so that it could not be appropriated to any other purposes.]

Mr. WISE then moved to strike out the words "for contingent expenses," and insert, "for stationery and other similar expenses" of the Commissioner of Pensions, $5,000.

Mr. A. H. SHEPPERD considered the appropriation proper. He had examined the subject, and was satisfied that the money was required; and he could not vote to strike it out, or to reduce the sum.

Mr. ADAMS thought there would be no essential difference in the terms; and, as every item of the expenditure must be accounted for, and the accounts must be settled, he thought the gentleman's fears were not well founded. He then went on to say that he hoped the abuses spoken of by the gentleman were founded in mere rumor, and had no real existence. He knew that such abuses crept into all Governments; but he knew that suspicion, jealousy, and slander, often raised prejudices against honest men. The remedy, if there were abuses, was in the strict performance of their duties by the committees of this House.

Mr. WISE agreed perfectly that abuses should be inquired into, and that was what he had been anxious to have done by the House for the whole session; but the House would not inquire. He alluded to the gentleman's [Mr. ADAMS's] administration, and said he had been most grossly abused and scandalized; and spoke of the stories about the East Room, which never had been furnished till General Jackson came into office; and then it was furnished at the expense of $45,000. Without inquiry the truth could not be known; and it must be strict, stern, republican inquiry. To inquire of the heads of Departments would be in vain; for they would let truth fall by the way. He had mentioned abuses, because investigation was stifled; and he went on to contrast the conduct of the present party and Government, which will not allow inquiry, with that of Mr. ADAMS; and he was informed, that when his administration was charged with extravagance, waste, and corruption, neither the Government nor the party ever in one instance resisted an inquiry into abuses. He concluded with saying that he had no special objection to the item, and would withdraw his amendment.

Mr. ASHLEY moved to amend the bill in the 226th line, by striking out "two" and inserting "one."

[This referred to the subject of a salary for a land commissioner.]

The amendment was adopted.

Mr. ASHLEY then moved to allow an additional sum for clerk hire to copy and bring up the records of the Land Office, $2,000, and for copying and preserving notes at the seat of Government, $420.

Mr. A. remarked that this was a usual allowance, and was necessary to secure the Government against the chance of serious losses and inconveniences.

Mr. CAMBRELENG and Mr. C. JOHNSON briefly opposed the motion, on the ground that no appropriation ought to be made, when the office has not previously been created by law. If the office is wanted, it should be created by a law for the purpose, and not make it a practice to create these offices, incidentally, in appropriation bills. A bill for this purpose had been prepared.

Mr. SEVIER thought the appropriation was proper, and that the clerks ought to be employed; and he hoped the amendment would prevail.

Mr. HARPER approved the course adopted by the committee, and hoped it would be persevered in. He thought it very loose legislation to continually insert these additional items in appropriation bills, without any other provision by law for the office. He thought the clerks alluded to were needed, and he thought they ought to be paid; but, as they would be provided for in another bill, he hoped the amendment would not be made in this.

After some suggestions from Mr. CAVE JOHNSON,

Mr. ASHLEY withdrew his motion to amend.

Mr. SEVIER then moved a similar amendment, in application to Arkansas. Rejected.

Mr. LAY moved to strike out all the appropriations for the expenses of the Territorial Government of Michigan.

[A message was here received from the Senate, stating that they had adhered to their disagreement to the amendment of the House to the bill establishing the Territorial Government of Wisconsin, and asked a conference on the same, having appointed conferees on their part.]

Mr. STORER spoke at some length on the subject of the motion, contending that Michigan had put herself out of the pale of the Government of the United States, and was no longer entitled to its protection. He stated that, as he had understood, there was no Governor of Michigan except their own State Governor, and no courts except those of her own establishing.

Mr. CAMBRELENG said we had not yet acknowledged the independence of Michigan, nor admitted her into the Union. Until we had done one or the other, we were bound to provide for the expenses of the Territorial Government. The money would not be drawn unless it was wanted.

Mr. CAVE JOHNSON suggested an amendment to the motion, providing that the salaries of the officers of the Territories of Arkansas and Michigan be paid in proportion to the time which should elapse before those Territories were admitted into the Union.

Mr. LAY accepted the amendment as a modification of his motion.

Mr. J. Y. MASON said there was no necessity for this amendment. The salaries were paid by law, not by the appropriation bill, and would be paid *pro rata* till the time when their functions ceased from death, resignation, or a change in the relations of the Territory.

After some remarks from Messrs. STORER, JONES of Michigan, VINTON, TOUCEY, LAY, and SEVIER, the motion was rejected.

On motion of Mr. CAMBRELENG, the bill was amended by inserting, for the expenses of the Legislative Council of Florida, $908 60.

On motion of Mr. WHITE, the bill was amended by striking out of the appropriation for assistant counsel and district attorney in Florida the words "assistant counsel," and the sum of $420.

Mr. WHITE offered an amendment to provide for the payment of the judges of the district courts in Florida, under the act of 3d of May, 1828, for the year 1830, $800; and for the years 1835 and 1836, $600. In favor of this appropriation Mr. W. said the judges had performed extra duty, under the act alluded to, and were legally entitled to compensation. He went into an explanation of the nature of the duty, and the right to compensation.

Mr. CAMBRELENG suggested that some of the evi-

dence spoken of had not been known to the committee, and that the amendment had better be withdrawn, and presented again in the House.

The question was taken, and the amendment was rejected.

Mr. HARRISON, of Missouri, moved to insert "for the costs of certain land suits in Missouri and Florida, decided against the United States, $1,000."

[This amendment was supported on the ground that the United States were bound to confirm all valid claims to public lands. If the title was doubted, the claimant, by a special law, was allowed to have his claim ascertained by the United States courts, and the "costs were to abide the final decision, as in all other cases, before said courts." Here the claims were held to be valid, and the Government, as any other party, ought to pay the costs of the adjudication. It was stated, in opposition to the amendment, that the subject had been examined by a gentleman of the committee not now present, and upon his investigation the committee unanimously determined that the claim ought not to be allowed. It was entirely a legal question, and depended upon the construction of the law above cited.]

The question was debated by Messrs. WHITE, SEVIER, SMITH, CAMBRELENG, TOUCEY, KENNON, and HARRISON.

The question was then put, and there appeared to be yeas 60, nays 55; which was not a quorum.

The committee then rose, and reported that fact to the House.

Mr. CARTER moved that the House do adjourn.

Mr. CAMBRELENG desired the yeas and nays; which were ordered.

The motion to adjourn was then taken, and decided in the negative: Yeas 65, nays 72.

The question was then taken on Mr. HARRISON'S amendment, and the vote was, yeas 57, nays 48; so there was no quorum.

Mr. CAMBRELENG moved that the committee rise; which motion was carried in the affirmative.

Mr. CAMBRELENG moved that the bill be made the order of the day for to-morrow and next day.

The motion being objected to,

Mr. CAMBRELENG moved a suspension of the rules, to allow him to make the motion.

The vote was taken, and there were, yeas 86, nays 32; so there was no quorum voting.

The CHAIR remarked that there was evidently a quorum in the House.

Mr. CAMBRELENG moved a call of the House.

Mr. RENCHER moved an adjournment.

Mr. CAMBRELENG asked for the yeas and nays; which were not ordered.

The question was then taken on the motion to adjourn, and decided in the negative: Yeas 53, nays 73.

Mr. CAMBRELENG then renewed his motion to suspend the rules to make the bill the order of the day for to-morrow and next day, and take precedence of all other business.

Mr. WHITTLESEY called for the yeas and nays; which were ordered; and, the question being taken, it was decided in the affirmative: Yeas 95, nays 45.

The CHAIR decided that the bill was made the order of the day.

Mr. WHITTLESEY understood that it was a suspension to allow the gentleman to make a motion.

The CHAIR said he put the motion direct on the suspension of the rules, but would ascertain the understanding of the House.

A motion was then made that the bill should be made the order of the day for 12 o'clock, and carried in the affirmative.

The House then adjourned.

FRIDAY, APRIL 15.

Immediately after reading the journal, Mr. DENNY rose to make a motion; when

Mr. HOWARD requested him to yield the floor, to enable him to bring a subject before the House in which he felt a personal interest. Mr. DENNY having complied, and leave being granted by the House,

Mr. HOWARD said that he wished to call the attention of the House, and of the gentleman from Virginia [Mr. WISE] to the imperfect manner in which his (Mr. W's) remarks, made on the day before yesterday, were reported in the National Intelligencer of this morning. It would be remembered by the House that considerable debate occurred upon a motion of a gentleman from North Carolina, [Mr. SHEPPERD,] to strike out a part of the contingent fund provided for the State Department, and which involved, in its range, the propriety of the appointment by the President of two commissioners to proceed to Ohio and Michigan, after the adjournment of of the last Congress. Mr. H. said that, as was well known, he had the honor of being selected as one of these commissioners, associated with a distinguished gentleman (Mr. Rush) who had filled many honorable stations under the Government. With what success or ability they had performed their duties, it was not for him to judge, being satisfied with the approbation of the President, expressed on the surrender of the trust; but he would say that they were undertaken with a single eye to the preservation of the peace of the country, then threatened with imminent danger of violation. In the course of the debate, the power of the President to make such appointments had been freely discussed. This was a matter properly open to debate, and gentlemen had a fair right to scrutinize it strictly. He had listened to the remarks of the gentleman from Virginia, [Mr. WISE,] as he always did, with attention, and was perfectly sure that the report of them, which, he would ask the Clerk to read, was not an accurate report. The debate having turned exclusively upon the appointment of the commissioners, the gentleman from Virginia is made to say as follows:

The Clerk then read this extract:

"Mr. Wise said the discussion showed the necessity of examining these contingent appropriations. What would gentlemen say (he asked) if it should turn out that this very appropriation of twenty-five thousand dollars was used to pay some of these secret agents, appointed without any authority of the constitution? He went into the examination of the right of appointment, and contended that the President had no power of the kind contended for. The contingent appropriations (he said) were applied to all sorts of illegitimate purposes; and were one portion of a system of corruption, which had increased to a most enormous extent."

Mr. HOWARD said that, in the passage just read, it might be inferred by some readers, that the epithet contained in the last sentence was applied to the appointment of the commissioners, which he was perfectly sure the gentleman from Virginia did not do. The remarks which were made by members of the House, in debate, were of great consequence, but those which were reported to have been made were equally so, because they went forth to the nation, instead of being confined to the House; and, having called the attention of the gentleman from Virginia to the imperfection in the report of his remarks, he left it to his own sense of justice what course to pursue.

Mr. WISE said it would give him a great deal of pleasure to explain. He would say that he had spoken on the day alluded to without preparation and extemporaneously, and could not say what his precise words were, but he knew what his meaning was. He meant

to instance this appointment of commissioners to Michigan by the President of the United States, not as a corrupt appointment, but as an illegitimate appointment; and he had generally denounced contingent appropriations, as covering illegitimate and corrupt applications of the public moneys. He did not mean to charge the honorable gentleman from Maryland, or the President, with corruption in the appointment, but he charged the President then, as he did now, with making an illegitimate appointment, when there was no necessity for doing so; there was, however, a difference of opinion on that subject. At the time alluded to, he was debating the subject with his colleague [Mr. MASON] of these contingent appropriations covering corrupt appropriations of the public moneys. He did not charge the gentleman from Maryland [Mr. HOWARD] with corruption; and if such charge was intimated in the report, he would say with great pleasure that he was misreported.

Mr. HOWARD said that he was glad to find that the recollection of the gentleman from Virginia corresponded with his own. The constitutionality or legality of the appointment was properly open to debate, and gentlemen upon all sides had a perfect right to express their opinions upon it. He would no longer detain the House from its ordinary business.

GENERAL APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. PATTON in the chair,) on the bill making appropriations for the civil and diplomatic expenses of the United States for the year 1836.

The question being on the motion of Mr. HARRISON to insert $1,000 for cost of certain land suits decided against the United States, it was taken, and the motion was rejected.

Mr. HARDIN moved to strike out the item appropriating $1,000 for the salary of the reporter of the decisions of the Supreme Court, and gave as a reason for the motion, that certain decisions which he alluded to had been reported inaccurately by the present reporter.

Mr. HARPER said the salary was provided for by law, and ought, therefore, to be appropriated. If the present reporter did not do his duty, he ought to be removed; but he was considered an industrious and competent man in his profession in Philadelphia, whatever he might be here.

After some suggestions from Mr. THOMAS,

Mr. HARDIN withdrew the motion for the present, in order to ascertain whether the office was provided for by law.

Mr. HARDIN moved an additional item of $250, as compensation to the clerk for recording the opinions of the Supreme Court. Agreed to.

Mr. CAMBRELENG moved to increase the item for the expenses of courts, jails, &c., of the United States in the District of Columbia, by striking out $333,000, and inserting $345,000. Agreed to.

[This increase was proposed in consequence of the expenses attending the arrest of the persons charged with being concerned in burning the Treasury building.]

Mr. LAWLER moved to insert an item appropriating $300 for office rent and fuel for each of the registers and receivers of the public money.

After some debate, in which Messrs. LAWLER, JOHNSON of Louisiana, HARDIN, RIPLEY, VANDERPOEL, VINTON, LANE, BOON, and THOMPSON of South Carolina, took part,

Mr. LAWLER, at the suggestion of Mr. RIPLEY, modified the motion so as to provide that the registers and receivers of the public moneys, whenever their salaries and emoluments did not amount to $1,000 a year, should be allowed office rent at the expense of the Government.

The motion to amend was rejected.

On motion of Mr. OWENS, the item allowing $2,100 for the office and fuel of the surveyor of the public lands was stricken out.

Mr. MASON, of Virginia, moved to amend the bill by inserting Prussia after Mexico, in the item making appropriations for the outfits of chargés des affaires to Peru and Mexico; which was agreed to; and the whole amount of the item was increased from $9,000 to $13,500.

The following clause being read: "For contingent expenses of all the missions abroad, thirty thousand dollars"—

Mr. CAMBRELENG moved to strike it out.

Mr. A. H. SHEPPERD rose and said that, in the observations he was about to submit upon the pending propositions to amend, he wished to be understood as doing so, not merely as an individual member of this body, but as in obedience, in some degree, to the direction of the committee charged with the duty of examining into the accounts of the State Department.

I know, sir, said Mr. S., that by this effort we may seem to seek a consequence, and give to ourselves an importance which, perhaps, was not intended, nor desired, in the arrangement of the committees of this House; but, much as others may have undervalued or slighted the duties peculiar to this committee, I hope we shall be pardoned for attempting to show that there is, at least, a propriety, if not necessity, in instituting and prosecuting the various inquiries which rightfully fall within the scope of the authority delegated to us by the rules of this House; yet I come not charged with a long and formal retrenchment report, nor am I expected in any way to point to or discuss the peculiar political opinions of those who have been concerned in any of the Government transactions to which I may advert; our labors have, I hope, been prosecuted with a purpose that rises far above that miserable, petty party spirit which has, unfortunately, too often become prevalent in our attempts to reform and correct the abuses of Government, of which a lamentable illustration is afforded in the famous retrenchment reports that were made during the session of 1827–'28. Not content in noticing practices in the then administration, which evidently deserved the public censure, and pointed to the necessity of legislative correction, the excess of party zeal destroyed, in a great degree, the usefulness of the laborious efforts of that day, by attaching grave importance to circumstances too trivial to deserve a moment's serious consideration. We have not only sobered down from the excitement of that period, but really seem to be fast falling into an opposite extreme.

In 1828, it was matter of grave charge against the then Secretary of State, that, out of the contingent fund intended for the use of his Department, he had, amongst other things, been guilty of the extravagance of purchasing for his office a print of the President of the United States, at the price of thirteen dollars! But what have we now, sir? Instead of the disposition to question the character or extent of contingent disbursements, I was unable to carry a majority the other day upon a proposition to reduce the contingent appropriation for the Department of State from $25,000 to $17,000; and that, too, without waiting to scan so nicely, as in days gone by, the propriety and extent of every petty disbursement that the Secretary of State may have authorized; but by a statement of facts and figures, clearly showing that this retrenchment might be made without any embarrassment to this branch of the public service.

There is, therefore, now not only a disposition to give what is necessary, but even to bestow more than can be fairly estimated for; and so far are we going upon this

extreme of confidence and indulgence, that the gentleman from Tennessee [Mr. C. Johnson] has clearly intimated that, as we cannot foresee precisely what amount may be needed under any contingent head of appropriation, we have only to adopt his amendment, (requiring an annual publication of the expenditures,) and we may then free ourselves from the trouble of trying to ascertain how little of the people's money will probably do; our only care will then be to be sure and give enough! This principle will very greatly diminish and simplify the labor of legislation; indeed, we shall then have very little to do other than to place the surplus revenue of the country at the discretionary disposition of the President and the heads of Departments. And here, sir, we are again forcibly reminded of the striking contrast, or rather inconsistency, to which the extremes of party are continually exposed. To-day a gentleman from Tennessee thinks it unimportant to look to the amounts of contingent appropriation; yet, in 1828, a member from the same State, (Mr. Blair,) and, like the present gentleman, opposed to the then administration, in a report touching this very Department of the Government, recommends, not merely to diminish the contingencies applicable to "missions abroad," but that no appropriation whatever be made for that object. In my estimate of public men, and in my pursuit of public measures, I have ever labored to guard against that political excitement under the influence of which we are too apt to condemn that to-day which a change of party views may lead us to approve to-morrow; and, although in this way I have acquired the unenviable distinction of not being thorough in my devotion to party, I have an abiding consciousness that it is the only course of conduct that can meet my self-approval, or that would tend to promote the permanent interests of those whom I have the honor to represent.

Pardon, sir, this momentary digression from the mere matter of business for which I mainly rise to address you. Before entering, however, upon a notice of any particuticular items of expenditure, upon which I feel myself called to remark, I must here pause to express my surprise that the Secretary of State should have sent in an estimate, and that the Committee of Ways and Means should have reported the bill now under consideration, with a clause giving thirty thousand dollars for the "contingent expenses of foreign intercourse," and a like sum for "contingent expenses of all the missions abroad."

Perceiving, from the books of the Treasury, and the detailed disbursement furnished the committee to which I belong, that neither of these heads of expenditure usually exceeded twenty thousand dollars, annually, and that, for the last year, that "for missions abroad" was only $16,221 37, I was ready to object, and did intend, even under this view of the subject, to propose to reduce the appropriations to something like the expenditure; but, sir, what was my surprise, when, by reference to the balances in the office of the Register of the Treasury, I ascertained the fact, that at the close of the last year there was on hand thirty thousand dollars, applicable to the service of the present year, under the head of "contingencies of foreign intercourse;" and the sum of $40,508 belonging to that of "all the missions abroad." Thus we see, sir, that under two heads of appropriation, usually covering an annual expenditure of not quite forty thousand dollars, there is already at the service of the present year the sum of seventy thousand five hundred and eight dollars; and yet the Secretary of State requires a further appropriation of sixty thousand dollars!

It is true, sir, that the chairman of the Committee of Ways and Means, [Mr. Cambreleng,] seconded by the chairman of the Committee on Foreign Affairs, [Mr. Mason,] now moves to strike this sum of sixty thousand dollars from the bill; and I should probably have contented myself, on this part of the case, with merely voting for the amendment, had not a very strange attempt been made by the latter gentleman [Mr. Mason] to show that the Secretary of State could not, at the time of his estimate for the year 1836 (which was made about the 1st of October, 1835) know that any very considerable balance would remain at the end of the year 1835, or that the addition of thirty thousand dollars, under each of these heads, would not be requisite. We have already seen that, if there had been nothing on hand, the sums proposed in the bill, and asked by the Secretary, would have been abundantly large, and indeed more than sufficient. But what disposition can the Secretary, or his friend, make of this enormous sum of upwards of seventy thousand dollars? For, if it be said he could not know in October how the balance would be at the close of December, 1835, certainly there could have been no difficulty in ascertaining how it stood at the end of the year 1834. By reference to the same undoubted source of information, and by a mere moment's inspection, we are informed that, under the head of "contingencies of missions abroad," the sum on hand on the 31st of December, 1834, was $26,729, and for "contingencies of foreign intercourse," there was $20,000; yet, for 1835, there was also appropriated $30,000 to each of these objects; giving, for 1835, an entire sum of $106,729. Suppose, then, that no other or later data of calculation were attainable by the Secretary than those to which I have just referred, does not every body see that, unless by direction of the President, he had greatly augmented the disbursements during the year 1835, enough, an abundant balance, must have remained for the present year without any additional appropriation?

But at the very time of asking these additional sums for 1836, viz: the 1st of October, 1835, the unexpended balance, under the head of contingencies for foreign intercourse was in truth $30,603, and for missions abroad $46,683 87.

Thus the first three quarters of the year had been met, and more than met, without trenching on the appropriation of 1835. Surely, then, one short quarter of the year was not likely to do much in diminishing this amount; but, sir, really very little, unusually little, was at that time left to conjecture or estimate; for, by reference to the warrant book of the Treasury, it will be seen that as early as the 4th of May the agent of the Department of State had, upon the requisition of the Secretary, drawn from the Treasury the sum of twenty thousand dollars on account of contingent expenses of foreign intercourse, which embraced the whole expenditure of the year, with the exception of $1,436 66, which remained of the amount drawn out of the Treasury in 1834.

It has not been usual for the agent to be possessed, at so early a day, of the whole sum likely to be disbursed during the entire year; but, I presume, it was done, in this instance, for the reason that more than the usual amount of the annual expenditure was about being incurred at an early period, and within the first quarter of the year: of this I may speak hereafter. There was, then, in October last, nothing left to conjecture and estimate under the head of contingencies of foreign intercourse; and, by reference to the expenses of missions abroad, we find that only $5,375 89 was required during the last quarter of the year 1835. This sum, then, turns out to be the only basis upon which it is now contended that, notwithstanding the balances I have shown to be on hand at the beginning of 1835, and at the close of the third quarter of that year, the Secretary could not have known that the sum of sixty thousand dollars would not be necessary, in addition thereto, for the year 1836! It has, indeed, been intimated by the gentleman from Virginia [Mr. Mason] that, in order to make a safe estimate, the

Secretary of State must wait until all the various items, or accounts of disbursement, have been presented and audited at the Treasury; but, instead of this view being correct in principle, or tending to justify the course of the Secretary, it will, if admitted, show a still larger balance, especially of the funds applicable to contingent expenses of missions abroad; for even now, sir, the whole amount transmitted for settlement, and passed by the Fifth Auditor, does not exceed five thousand dollars. Yet the expense incurred under this head, for the year 1835, is set down at $16,221 37; that being the sum actually paid out of the Treasury, upon individual account, or by funds placed in the hands of foreign bankers or other agents of the Government, to be disbursed in the payment of the numerous items of account into which such a head of expenditure necessarily divides itself, but which cannot in themselves be looked to as the standard of expenditure under any particular head of appropriation, and are not so considered at the Treasury; but, on the other hand, the sums so drawn from the Treasury, and the funds purchased and placed in the hands of our bankers and other agents, are considered and treated as expended, although it may, and frequently does, happen that, upon the ultimate and detailed settlement of all the accounts involved, balances may be found unexpended in the hands of these agents, but which are considered as so entirely out of the Treasury that a warrant is drawn for their repayment or restoration to the head of appropriation from which they were taken.

Thus you see, sir, the actual disbursement under any particular head of appropriation may prove to be less, but cannot well turn out to be more, than the sums so advanced by the Government. It is, therefore, not only idle, but really the gentleman from Virginia [Mr. MASON] does both himself and the Secretary of State great injustice, when he contends that the estimates for the Department are regulated by the actual state of the individual accounts, as settled at the Treasury; for, I repeat, were this the case, it would make the matter still worse, by showing that the present estimate of sixty thousand dollars for contingencies of foreign intercourse and missions abroad had been made with a much larger balance on hand than even that for which I have contended; and, instead of justifying the appropriation $17,400 asked for the present year's expense of our intercourse with the Barbary Powers, would show that the Department was yet unauthorized to ask any amount whatever for this service, as no disbursements of the last year's appropriations have been forwarded by our consuls, and settled at the Treasury.

But the truth is, as I have asserted, and as the books of the Treasury show, the year's expenditure is considered as regulated by the sums drawn out for disbursement: these amounts can be seen at a moment's glance. The Secretary of State had only to ask, and the information would have been afforded. But it seems that even this little trouble has not been submitted to: the only inquiries have probably been, how much was voted last year? Was that enough? How much more than enough, is a matter that has not troubled the head of the Department until quite recently.

You will bear in mind, sir, that I am not now indulging in any objection to the amounts annually expended under these heads of appropriation of which I am speaking; but I have purposely contrasted the smallness of these disbursements with the continued repetition of annual demands for extravagant and useless appropriations. Certainly it is no good reason to urge, in favor of such a course of legislation, that the money is not wasted, and that we should reward the economy of those who have charge of the public funds, by placing tens of thousands at their will and pleasure, over and above the accustomed wants of the Government. Such blind confidence is unworthy of that vigilance and care which should ever characterize the representatives of the people.

Although, sir, as I have just intimated, I have no particular charge of extravagance to make touching the disbursements that I have examined, yet, in the progress of that minute investigation which, by the committee, I was authorized to make, I met with some items of expenditure which were at least in their character somewhat extraordinary, if not wholly objectionable. In this class I would place the sums paid out of the appropriations for contingencies of foreign intercourse, by direction of the President of the United States, to one Edmund Roberts, a citizen of New Hampshire.

In the year 1832 Mr. Roberts was commissioned or employed by the President of the United States to visit the countries of Muscat, Siam, Cochin China, and Japan. The object of this Eastern mission seems to have been the formation of treaties with the sovereigns of these demi-barbarous nations. To aid in its fulfilment, presents on behalf of our Government were made, to about the amount of three thousand three hundred dollars. The compensation of this Government agent was at this time fixed at six dollars per day, but he was also allowed, in the settlement of his accounts, five per cent. commission upon the sum so disbursed by him in presents. He returned in the spring of 1834, having, as I understand, concluded a treaty with the Sultan of Muscat; but failed in doing so with the other Powers to whom he was sent.

In the spring of last year Mr. Roberts was again despatched with fresh instructions, at an annual salary of 4,400 dollars, which was directed to be paid him from the first of the year; and, to strenghen the hopes of still greater success, presents amounting to $19,580 79 were purchased in the city of New York, and placed at his disposition, with a view of being employed by him in buying or conciliating the favor of those Powers to whom he had been before, in some degree, accredited. This expenditure was incurred within the last quarter of the year 1834, and the first quarter of 1835. I have not merely contented myself with ascertaining the amount of this bounty or donation on behalf of our Government, but, in obedience to a sense of duty, have looked through the entire list or series of articles of merchandise of which it has been composed, and have taken care to see that, according to law and the practice of the Government, this large and unusual disbursement has received the proper certificates of the President and the Secretary of State, with the direction for its payment out of the fund for contingencies of foreign intercourse.

The gentleman employed in this business is very favorably spoken of by those who know him, and, judging from what knowledge my investigation has afforded me of his character, I am disposed to think well of his qualifications for such a mission. Nor am I, sir, now prepared to call in question the policy of our Government, which seeks to extend and strengthen our commercial intercourse with the nations embraced in this enterprise; and that, too, although gifts may be necessary to propitiate their favor, or secure to us the mere privilege of trading with them. No, sir; all this may well be, and be right; and yet very grave questions may arise as to the propriety of applying the contingent fund to the payment of a salaried officer, who, though he has for years sustained a sort of diplomatic character abroad, and has actually negotiated a treaty, and is now gone upon a second mission, at an expense of twenty-four thousand dollars, has never, during all this time, been nominated to the Senate for appointment, or in any other way been made known to the country as connected with an important foreign service.

I know it is said that, to guard against the jealous interference of rival nations, secrecy was necessary in this, as it has been thought to be in many other negotiations; but,

for one, I believe not in the efficacy of such a precaution; for, instead of the disguised negotiator succeeding in eluding suspicion, and effecting the business of his Government without disclosure, the mere fact of attempting to do so will, in most instances, be found to awaken unusual curiosity, and to give a consequence to the objects of the mission which would not have obtained had plain and open dealing been observed. But, if this was really to have been a secret business, the President should have sheltered the expenditure under the power given him to allow a disbursement, without specifying the objects for which it has been made; yet he has in this instance, as well as every other during his administration, with his usual frankness and independence of character, refused to treat any part of the appropriations for contingencies of foreign intercourse as constituting a secret service fund, but has always given the vouchers or specifications of the expenditure. Whilst I highly approve this practice of the present administration, I repeat, sir, that it is utterly at war with the idea of carrying on a secret negotiation; for the very fact of submitting the subject-matter of the account to such investigation as, from its nature, it may seem to merit, must, in some degree, give publicity to the whole transaction.

I now hasten, sir, to notice the disbursements connected with our intercourse with the Barbary Powers. By an act of Congress, passed in 1810, a salary of four thousand dollars is given to our consul general resident at Algiers, and two thousand to each of our other consuls, sent to the different Barbary States. Since the occupation of Algiers by France, this general consulship has ceased, and we have now on this part of the public service but three consular stations—one at Tangiers, in Morocco, one at Tunis, and one at Tripoli. This salaried compensation distinguishes this class of consuls from any others employed by our Government; and, still farther to favor their position, they are each, by the act just referred to, permitted to disburse annually the sum of three thousand dollars in presents to the Governments where they reside, and may even exceed this amount, upon the written permission of the President of the United States. But, sir, this law goes still farther, and clearly shows that, while it was the purpose of Congress to cherish our commercial intercourse, and to preserve peace with these Powers, it also intended to provide that agents employed in disbursing these favors of our Government should be compelled to render a strict account of the manner in which they should perform this service. With this view, the sixth section enacts "that it shall be the duty of the consuls residing on the Barbary coast to transmit to the Secretary of the Treasury, annually, an account of all the moneys received, and of all disbursements or expenditures made by them, respectively, for or on account of the United States, and the particular purpose to which the moneys have been applied, and the vouchers to support the same; and the Secretary of the Treasury shall transmit to Congress, within two months after the commencement of the first session thereof, in every year, a statement of all the moneys disbursed from the Treasury of the United States for expenses of intercourse with the Barbary Powers during the preceding year; therein noting, so far as can be ascertained at the Treasury, the sums received by the respective agents or consuls, and the purposes to which the same have been applied."

I would here emphatically inquire of the oldest members of this body, those most experienced in the alterations and amendments which our laws have undergone, whether the section that I have just read has ever been repealed, or even modified in any way. For myself, I have been unable to discover any thing showing its repeal, or alteration in any particular whatever. Taking it, therefore, to be the law of the land, the committee waited for the expiration of the two months, within which time the Secretary of the Treasury is required to make a communication of this contingent disbursement to Congress. But, sir, we waited in vain. Yet, supposing the delay was probably owing to the press of business, or momentary inattention, I was authorized by the committee, without resorting to the formality of a resolution on the subject, to inquire into the reason of this delay; that reason, or answer, is given in the Secretary's note of the 16th February, in which he says that "consuls have never made any returns to this Department under the act regulating the same, or they would probably have been submitted to Congress."

Can it be true, sir, that this wise and prudent legislative provision has been wholly neglected? Yes, sir, it is emphatically true; for, instead of being observed and carried into execution, its very existence seems to have escaped the attention of all those whose duty required them to see its provisions fulfilled. Nor is this the fault merely of the present day, or the present administration, but is equally chargeable to those that have preceded it; for I believe, in the language of the Secretary of the Treasury, our "consuls have never made any returns," according to the requisitions of the act of 1810.

Having thus entirely failed in obtaining the official information which we had a legal right to expect from the Secretary of the Treasury, I commenced seeking, in some other way, to learn, if practicable, the disposition that had been made of the large sums of money placed from time to time at the will and pleasure of these disbursing agents of the Government. And although, as we have just seen, annual statements of expenditure have not been forwarded to the Secretary of the Treasury, and by him submitted to Congress, it so happens that, when it has precisely suited the convenience of our consuls to do so, they have, through the Department of State, communicated some account of their doings to our Government. By reference to the books of the Treasury, where these matters have been settled by the Fifth Auditor, I find that James R. Leib, our present consul at Tangiers, in Morocco, has not settled any account since his appointment, which was in 1832, and that the sum of $14,017 41 stands as a charge against him on the books of the Treasury. I should, perhaps, here state that Mr. Leib has recently transmitted an account, which, I learn, is retained by the Secretary of State for further advisement, in consequence of its embracing extravagant expenditures made by him on a visit to the Emperor of Morocco at the city of Fez.

Samuel D. Heap, present consul at Tunis, is debtor to the amount of $10,728 62; he has not settled any account since 31st December, 1831.

Daniel S. McCauly, consul at Tripoli, is charged with a balance against him of $3,721 79. His last settlement was on 30th June, 1833.

From 1810 to the present time, I find that the sum of $700,000 has been expended or paid out, on account of our intercourse with the Barbary Powers, exclusive of various disbursements, which are usually embraced under this head of expenditure, but which do not properly belong to it; that, of this sum, $89,677 has not been accounted for, but stands out in a long list of balances against our present and preceding consuls and commercial agents.

I will not, sir, be so personal as to specify throughout the names of all those who appear to be debtors to their Government, but shall content myself by having merely pointed out the particular sums that are chargeable to those now in office, and in favor of whom it is proposed to make a still further appropriation of $17,400, embracing their salaries of $2,000 each, with eight hundred dollars for contingent expenses and three thousand dollars for each of these three consulates, to be disbursed

in presents, according to the provisions of the act of 1810, already referred to.

But, sir, this is not all that it is proposed to do, or has recently been done, to favor or patronise these almost irresponsible officers of the Government. The treaty which has subsisted for near fifty years between this Government and that of Morocco, being about to expire, our consul at Tangiers, Mr. Leib, has been charged with the duty of procuring its renewal. In order to insure success, the sum of $19,238 45 has, within the last year, been laid out in the city of New York, by the Secretary of State, under the authority of the President, in the purchase of a very great variety of foreign and domestic goods, which have been shipped to the care of Mr. Leib, and are intended to be by him presented to the Emperor of Morocco, upon his consenting to a renewal of the treaty. This expenditure is over and above the sum which our consul may have disbursed in that country out of the appropriation of 1835, but no account of which is to be found at the Treasury.

The presents so to be given may be necessary to attain the object in view, and the object may itself be worth the money. I will not now wait to question the one or the other; but however commendable may have been this expenditure, I would greatly have preferred that it should have been intrusted to some one who had not shown a manifest inattention to the law regulating his duties; or that, at least, before giving this additional evidence of confidence in our consul at Tangiers, he had been required by the President of the United States to adjust the sum already outstanding against him on the books of the Treasury; for, sir, however able this gentleman, with others, may ultimately prove to account for all their disbursements, a neglect to do so for years, in violation of the plainest provision of law, is an example that ought not to be favored or indulged. Nor, sir, is this my only objection, connected with the class of expenditures to which I am now referring; for in them I think we have a forcible illustration of the great impropriety of permitting surplus amounts to accumulate, under any contingent head of disbursement, by not attending to the state of the appropriation at the close of each successive year, or at any time when it may be proposed to make an additional appropriation. Thus, at the end of the year 1834, there was on hand, under the head of "Intercourse with the Barbary Powers," the sum of $18,607, more than enough to meet the usual annual expenditure; yet, for 1835, we have the old appropriation of $17,400, giving an available amount for that year of $36,000. Out of this has been taken this extraordinary expenditure of near twenty thousand dollars, for presents to the Emperor of Morocco.

But, sir, I would inquire who, in voting for the usual appropriation of the last year, imagined he was giving an extra fund to be employed in this or any other extraordinary way, and to the fitness or propriety of which his attention was in no way directed. The money might have been granted, but I insist that that could only be fairly and properly known by making the direct request, and asking a specific appropriation for this particular object; thereby affording the representatives of the people the important privilege of looking into and discussing, in advance of legislation, all the questions of expediency, of principle, or of national policy, that this or any other unusual disbursement may be supposed to involve; and not leaving to them the almost useless task of merely criticising the expenditure, after it shall have been made from a fund created without any intimation from any quarter of an intention to apply it to such a purpose. When an event occurs that is really contingent and urgent in its character, such as could not have been especially looked to and provided for by Congress, then the President would be clearly justified in meeting any expense that may accrue out of the common standing contingent appropriations; but it cannot be said that the determination to institute negotiations with the Emperor of Japan, the Sultan of Muscat, or King of Siam, or to apply for a renewal of the treaty with the Emperor of Morocco, partake at all of this character; these were objects presenting time for deliberation, and were certainly of sufficient importance, even from the large expenditure to which they have given rise, to have been presented directly to the consideration of Congress.

But, sir, the principle for which I contend is sustained by the previous example of our Government, in relation to this very treaty with Morocco: for when, in 1791, it was proposed to make presents to the then new Emperor, in order to obtain his recognition of the treaty which it is now intended to renew, the money was not taken by the President from the contingent fund, or ordinary appropriation for intercourse with that Power, but a specific appropriation was made in a law passed for that particular purpose.

This is an example, sir, worthy of all imitation, and which I sincerely wish had been followed in the instances to which I am now adverting. But, instead of this safe and truly republican doctrine of specific appropriations gaining favor at this day, I can but perceive the manifestation of a disposition to lose sight of this powerful safeguard against an improvident and unauthorized expenditure of the treasure of the nation. Say, if you please, that all is yet well, and that we have, at present, a sufficient security for the faithful application of the public money, not in the cautious specific provisions of our laws appropriating it, but in the sound and prudent discretion of those to whom we intrust it; would it, I ask, be wise to rely upon the continuance of such a security?

Yes, sir, all may now be well, and yet that assurance should not induce us, as legislators, to look the less anxiously to the means of future safety. Those may hereafter possess the executive rule in our Government, whose ambitious propensities, or whose sordid love of money, may lead them to construe not only liberally, but most mischievously, their power over such portions of the public treasure as may be placed in their hands, without strict legal limitations as to the objects of its application; let us not, therefore, set an example of blind and implicit confidence, which may tend hereafter to endanger or destroy the liberties of our country.

The motion to amend was agreed to.

The following clause having been read: "For the expenses of intercourse with the Barbary Powers, $17,000"—

Mr. A. H. SHEPPERD moved to strike out $17,000, and insert $10,000; which motion he supported at some length.

Mr. WISE spoke in support of the motion, and Mr. MASON, of Virginia, opposed it.

Mr. SHEPPERD, at the suggestion of Mr. MASON, modified his motion so as to reduce the sum to $12,000; and the motion, as modified, was agreed to.

On motion of Mr. CAMBRELENG, the following clause was stricken out:

"For the contingent expenses of foreign intercourse, $30,000."

The following clause having been read: "For the Documentary History of the American Revolution, per act of March 2d, 1833, $20,000"—

Mr. CAVE JOHNSON made some remarks in opposition to the proposed appropriation. The original contract would, he said, have amounted to $408,000, but the revised contract limited the number of the volumes to twenty. His opinion was, he said, that, even with this limitation, the expense would cost nearly double that sum. He proposed that the appropriation should be stricken out. At a proper time he would offer a resolution for rescinding the contract, upon the payment of

reasonable damages, or for renewing it with proper limitations. He could easily prove, he said, that the Secretary of State, in making the contract, departed from the letter and spirit of the law from which he derived his authority; and he would, on no account, give a vote which would sanction it.

The motion to strike out the clause was agreed to.

The following clause having been read: "For the erection of a custom-house in New York, $300,000, in addition to former appropriations"—

After some conversation on the subject, in which Messrs. UNDERWOOD, CALHOUN of Massachusetts, HARDIN, CAMBRELENG, STORER, MERCER, C. JOHNSON, and REYNOLDS, took part,

Mr. MERCER moved to strike out the clause; which motion was rejected by a vote of 44 to 81.

Mr. MERCER now rose, he said, to endeavor to strike out so much of this appropriation as would indicate a preference of marble to brick as the material used in this structure. He therefore moved to reduce the appropriation to $150,000. There was one reason, at least, which ought to induce the gentleman from New York to assent to the motion; a great error was committed in all our public edifices in building too fast. If more time had been taken in the erection of this Capitol, its western front would not now be tumbling to ruins. Mr. M. enlarged upon this view of the subject. One hundred and fifty thousand dollars was as large a sum as could be profitably expended during the present year.

The motion was rejected by a vote of 53 to 74.

The following clause having been read: "For completing the public warehouse at Baltimore, $17,000"—

Mr. CHAMBERS, of Pennsylvania, moved to strike out this clause, and supported the motion at some length.

After some remarks from Mr. McKIM, in explanation of the circumstances attending this work, the motion to strike out was rejected.

The bill having been gone through with by sections,

Mr. CAMBRELENG moved to increase the appropriation for the clerks and messenger in the office of Indian Affairs from $3,950 to $4,950. Agreed to.

Mr. HAWES moved that the committee rise. Lost.

Mr. CAMBRELENG moved to insert a clause appropriating $5,000 for the purchase of medals and swords for Colonel Croghan and others. Agreed to.

Mr. CAMBRELENG moved to insert the following amendment:

"For the survey of the coast of the United States, $80,000."

Mr. HARDIN wished to know if, under this appropriation, the mineralogist was to be sent out again.

Mr. CAMBRELENG replied in the negative.

The amendment was then agreed to.

Mr. CAMBRELENG moved to insert a clause appropriating $200,000, in addition to former appropriations, for the erection of a custom-house at Boston.

Mr. LAWRENCE made some statements in support of the amendment; which were corroborated by Mr. CAMBRELENG.

After some remarks from Messrs. MASON of Ohio, LAWRENCE, HAWES, UNDERWOOD, WISE, CAMBRELENG, MERCER, HAMER, HARPER, PEYTON, HANNEGAN, CUSHING, and REED, the motion was agreed to.

Mr. HAWES then proposed an amendment "for enlarging the custom-house in Louisville, Kentucky, $25,000." Mr. H. had but a few words to say in relation to this proposition. Louisville was now a port of entry, and one of the most important commercial cities on the Western waters. When they had already appropriated, in addition to other large appropriations, for the city of New York, $300,000, not to complete, but for or towards the completion of a custom-house there, and $200,000 to the city of Boston for the same purpose, (for he had no doubt they would be called upon for additional appropriations next session,) now when all this had been done for those two cities, he had a right to expect the vote of gentlemen for this simple sum of $25,000 for the city of Louisville. Moreover, he would pledge himself that, when that sum was granted, no more would be asked for a long course of years to come for the same object. He would now test the impartiality of gentlemen who had voted such large appropriations for the Eastern country, and see if they were equally willing to extend the same benefits to the West. He did not ask a tenth for Louisville that had been appropriated for New York; and that was a city of as much importance to the Western country as was New York or Boston to the East.

After some remarks from Messrs. GRAVES and CAMBRELENG, the motion was rejected.

Mr. MASON, of Virginia, remarked that he had been eight hours in his place without refreshment, and as there were many amendments yet to be offered, he moved that the committee rise. Lost—65 to 88.

Mr. UNDERWOOD moved an amendment, appropriating $500,000 for the improvement of the navigable waters in the State of Kentucky, to be expended under the direction of the board of internal improvements of that State; which motion was lost.

Mr. C. JOHNSON moved an amendment, making it the duty of the Secretaries of State, Treasury, War, and Navy Departments, the Postmaster General, the Secretary of the Senate, and the Clerk of the House of Representatives, to lay before Congress, in the first week of January of each year, a statement showing the expenditures during the preceding year, of the sums appropriated for their departments, respectively, under the head of contingent and incidental expenses, specifying each item of expenditure, and designating each person to whom it is paid. Agreed to.

Mr. STORER moved to amend by inserting an item of $25,000 for the erection of a marine hospital at Cincinnati, Ohio.

Mr. REYNOLDS, of Illinois, proposed to amend the foregoing by appropriating the sum of ——— dollars for the erection of a marine hospital on the Western waters, the site to be selected by, and money to be expended under the direction of, the Secretary of the Treasury.

Mr. R. remarked that the gentleman from Massachusetts had done the subject so much justice, and had advanced such liberal views, that it was almost useless for him to say one word to the committee. But it was a subject of vast importance to the people in Illinois whom he represented; and on that consideration he would say to the committee, that many meritorious individuals, in navigating the Western waters, become sick, and have no place for their repose and care. Not one public hospital existed in all the region of the West.

There are navigating the Western waters more than forty thousand people; and, from the necessity of their avocation, they pass through various climates and countries; so they are necessarily subject to sickness and disease.

The section of the State of Illinois which he had the honor in part to represent is situated on and between the largest and most navigable rivers in the West, and on that consideration there is more business done on them than perhaps in any other part of the West, and, consequently, there are more sick and disabled sailors thrown on the shores of the district he represented than any other.

This is the reason that he respectfully brings this subject before the consideration of the committee, and hopes it may be adopted in the present bill, which is before the committee.

It is true there is a bill reported to the House on this same subject; but it is extremely doubtful if that bill, or many others of such character, will be acted on during the present session.

In a conversation with the honorable chairman of the committee who reported the bill providing public hospitals in the West, he (Mr. R.) was satisfied with the bill, and is yet, if we could reach it and act on it. The bill allowing land could be changed into an appropriation for money, if that should be deemed the most advisable, which he considered it would be. He (Mr. R.) said he had, and others had also, endeavored to bring up certain measures for the action of this House, but failed in them all. The gentleman from Indiana, [Mr. HANNEGAN,] had on various occasions attempted to bring up the bill graduating the price of the public lands, and failed in them all. He (Mr. R.) had attempted to bring before the House, on a day certain, the bill allowing a pension to those brave men that defended the country from the Indian enemy, from the year 1783 to 1794, but failed in it.

The subject of the West Point Academy cannot be brought up for the action of the House. Seeing all these attempts fail, Mr. R. feared that this subject could not be brought up for the action of the House, and it was on this consideration he hoped the amendment would be adopted in the bill before the committee.

The gentleman from Ohio [Mr. STORER] is laboring under a mistake in the course and views he has taken of this subject. His amendment provides for the location of a public hospital at the city of Cincinnati, which will injure the measure. It is impossible for Congress to locate the hospitals; the sites must be selected by the Secretary of the Treasury, or some other competent officer of the Government.

In conclusion, he hoped that the amendment would be adopted in the present bill, as the subject might not be acted on in any other bill during the present session of Congress.

The amendment of Mr. REYNOLDS was rejected, as was also the proposition of Mr. STORER.

Mr. WILLIAMS, of Kentucky, moved an amendment appropriating $50,000 for the improvement of the Cumberland river, from the mouth of Laurel to Nashville, Tennessee. Rejected.

Mr. BOON moved an appropriation of $25,000 for the erection of a marine hospital at Evansville, Indiana. Lost.

Mr. ASHLEY moved an appropriation of $2,000 for clerk hire in the office of the surveyor general of Illinois and Missouri.

After some remarks from Messrs. ASHLEY and CAVE JOHNSON, the amendment was agreed to.

Mr. KINNARD moved to amend by inserting a clause appropriating $20,000 to defray the expenses of making copies of field notes, maps, and surveys of the public lands, sold and unsold, in each of the States and Territories in which the public lands are situated, for the use of the Legislature of such State or Territory.

Mr. KINNARD remarked that he would detain the committee but a few moments in explaining the object and meaning of his amendment. It was a proposition which he felt it his duty to submit, from a conviction, after mature reflection, that the object proposed to be accomplished deserves the serious and favorable consideration of the committee. He had not been in the habit, and he never would be, of submitting amendments merely to show an anxiety for the interests of his own constituents, or to consume the valuable time of the committee to no useful purpose. His object was to furnish the Legislature of each State and Territory, in which the public lands are situated, a complete authenticated copy of the field notes and maps of the lands within their limits. It is a matter connected intimately with the general subjects relating to the public domain. I conceive that the item of expense necessary to accomplish this object belongs to this appropriation bill, as there are appropriations contained in it for various purposes connected with the land offices and the lands themselves. Is it not due to the new States, where the Government, the greatest of all land speculators that has ever been or ever will be, has sold, for the sake of revenue, millions upon millions of acres? Will not the General Government place in the keeping of those States a copy of these land records, to them and their rights, perhaps, in the course of time, the most important of all the documents they could possess?

These documents are retained by the General Government exclusively. They show the subdivisions which have been made of the whole domain. They show the situation and magnitude of the various grants made to individuals by the Spanish, French, and British Governments, which, by treaties, the United States have undertaken to confirm. They present a view of a multitude of Indian reservations which have been transferred to citizens of the United States. I would ask the committee if it is not important to the rights of the new States that they should have the maps and records by which they might correctly comprehend the nature, situation, and magnitude, of these grants, reservations, and subdivisions, into which the public lands have been cut up, so as to apply correctly the taxing power, and to guard forever the titles and homes of their citizens against the accidents and contingencies to which these records are liable while in the keeping of this Government? I beg leave to remind the committee, that some years ago a portion of the maps and field notes were destroyed by the burning of one or more of the offices of surveyor general. What was the consequence? The surveys had to be made anew. Suppose another Treasury burning—the destruction of other offices of surveyors general, and the consequent loss of these records, showing the subdivisions of the domain of whole States, densely settled, embracing towns and cities—what would have to be done to secure and perpetuate millions of titles to real estate, which may have often changed owners? The mischief which would ensue would be beyond calculation. Would the resurvey of the country by the General Government remedy the evil? Would it, if allowed by the States, which is questionable, arrest the litigation that would grow out of the destruction of the original records, and the obliteration of the old landmarks? I apprehend not. If the States would permit it, and if Congress were disposed to make a resurvey, it would be impossible to run the lines in all cases as they were run at first, and to give any thing like satisfaction in the attempt to readjust the surveys. There are other considerations, which at this time he would not press on the attention of the committee. The item of expenditure for this important purpose is very small, and I think it due to the States where the Government is collecting millions upon millions of dollars, in the sale of the lands, to pass it promptly.

The amendment was rejected.

Mr. CARTER moved that the sum of one hundred thousand dollars be appropriated to extend the improvement heretofore commenced by the Government of the United States at the Muscle Shoals, in the State of Alabama, up the Tennessee and Holston rivers, to Kingsport, in the State of Tennessee.

Mr. CARTER said that it was his duty to say to the committee that he offered this amendment for the purpose of acquiring for the country he represented in part, some of the benefits of the appropriations and expenditures of the Government. He was assured that the improvement of these rivers could not be objected to upon

constitutional scruples by those in support of the present administration. Upon examination, it will be found that the improvement proposed by the amendment is national in its character in several points of view. It is national, because it opens a free, safe, and direct communication between the interior of the fertile and valuable country of East Tennessee, possessing an inexhaustible treasure of natural wealth and national resources, of indispensable materials for national defence, as well as an abundance of provision stuffs; and, sir, it communicates with a hardy, industrious, and patriotic people, who, upon all exigencies and calls of their Government, are always ready to pour out their blood and expend their treasure in defence of the honor and free institutions of their country; all these indispensables in time of difficulty and war can be transported with facility to the most vulnerable part of our whole frontier, in defence of the country. And, sir, in time of peace, the proper time to prepare for the defence of the country, this section of country of East Tennessee can, by the reception of some encouragement, supply the Government with ordnance and munitions of war, of every character and description, upon much better terms and of superior quality to any she has been heretofore in the use of, all which can be transported by means of this improvement to any part of the United States that the Government might require. Again, sir, the whole country is interested in this improvement, for the single reason that East Tennessee is capable of supplying the world with the indispensable articles of iron, nails, &c., and of a better quality than afforded any where else. East Tennessee seems, sir, to be designed by nature for a manufacturing country, as well as for agriculture, and only needs a market to secure the independence and happiness of the people. In order to aid in the procurement of this independence, I hope this committee will adopt the amendment. Rejected.

Mr. DENNY moved an appropriation of $20,000 for the erection of a marine hospital at Pittsburg, Pennsylvania. Lost.

Mr. EVERETT moved to amend by inserting a clause appropriating ten millions of dollars to be distributed amongst the several States according to their federal population, as ascertained by the last census; which motion was rejected: Yeas 38, nays not counted.

Mr. RIPLEY moved an appropriation of $200,000 for the erection of marine hospitals on the Western waters. Rejected.

Mr. GRAVES moved an amendment appropriating $35,000 for the endowment of a marine hospital at Louisville, Kentucky, to be erected under the direction of the Secretary of the Treasury. Lost.

Mr. LEA moved an appropriation of $3,000 for the erection of a district court house of the United States at Knoxville, Tennessee. Rejected.

Mr. HANNEGAN moved $50,000 for the erection of a marine hospital at the foot of the Grand Rapids of the Wabash. Lost.

Mr. MERCER moved an appropriation of $15,000, to be expended under the direction of the Commissioner of the Public Buildings, for improving, and extending, and graduating the public grounds around the Capitol on the western side of the same, as far as First street. Rejected.

Mr. McKENNAN moved, at the instance of Mr. MORGAN, who was absent from his seat, an appropriation of $25,000 for the erection of a marine hospital at Wheeling. Lost.

Mr. GLASCOCK moved the sum of $20,000 for the erection of a marine hospital in the city of Savannah, Georgia, to be expended under the direction of the Secretary of the Treasury. Rejected.

Mr. MERCER moved an amendment appropriating the whole amount of the proceeds of the sales of the public lands for the last two years, to be distributed amongst the several States according to their federal numbers.

After some remarks from Messrs. WISE and MERCER, the latter modified the amendment by substituting four years instead of two years; and it was then rejected.

Mr. HUNTSMAN rose and indicated his intention of submitting a proposition for the erection of a marine hospital at Memphis, Tennessee, $15,000, and addressed the committee as follows:

Mr. H. said that, in offering the amendment which he was about to do, if he was to consult his own judgment, he would most assuredly defer it until the bill, which, it was said, would be reported by the Committee on Commerce in favor of a general and uniform system of marine hospitals, came up for consideration. He considered the subject one worthy of the consideration of Congress: the wants and necessities of such an establishment were much more in demand on the Western waters than elsewhere. The diseases of the climate, the universal resort of citizens of all parts of the United States, (he might say of the civilized world,) combine to present this as a subject of deep solicitude to the people of the far West. In returning from New Orleans, about the commencement of the sickly season, Memphis, perhaps with a single exception, is the first point of highland. Those who contract the diseases of the climate incident to the lower latitudes, as well as those who have suffered the attacks of the cholera and smallpox, (which is not unfrequent,) have to land at this point. Many have there died, and have gone to their long homes without receiving the assistance that the laws of humanity in every civilized country upon the globe should guaranty to the stranger, when cast abroad, sick and afflicted, in a foreign land. The citizens of Memphis are entitled to the everlasting gratitude of the States of the valley of the Mississippi, for the exertions they have always made for the ease, the comfort, and the cure of the sick and afflicted from other countries cast upon their hospitality. They have even exerted themselves beyond their means for this humane purpose. With a population of fifteen hundred, or two thousand, perhaps, they have paid for this purpose, sometimes, that number of dollars yearly, for medical assistance and nursing, and those nourishments which are indispensable for such a purpose, to those disabled and diseased strangers. The State of Tennessee has made some appropriations to build an hospital at this point. At the last session of Congress a sum, perhaps five thousand dollars, was appropriated by the House of Representatives to aid the State of Tennessee in the establishment of this institution at Memphis; but, owing to the want of time, or some other cause, the Senate did not act upon it. Tennessee is less concerned in this than any State in the Union, so far as respects her own citizens. If their sick can get that nigh home, (to Memphis,) then resident friends or relatives can immediately fly to their assistance. But the citizens of other States cannot enjoy this benefit. They are far from their homes, their friends, and their firesides; and although their bodies may be racked with pain, their systems charged with disease, yet there is no friend, no relation, to administer consolation, to soften affliction, or smooth the pillow of death. They die in a distant land, uncomforted, neglected, and, too frequently, unattended to. This will always be so upon such a highway as the great river Mississippi, where five hundred thousand persons annually travel; where the smallpox, the cholera, and the diseases of a Southern climate, prevail. I therefore offer this amendment, Mr. Chairman, on behalf of my colleague, [Colonel DUNLAP,] who is the immediate representative of the district comprehending the town of Memphis, and who is now absent from his seat by indisposition. I know he has

this subject much at heart; and, by offering the amendment here, when the bill is reported to the House, he can then take such a course as his judgment shall dictate to him on that occasion. For myself, when the general bill to establish marine hospitals shall come up, (which I think the most suitable occasion,) I shall then advocate a provision for an hospital at Memphis on a respectable scale.

The amendment was then rejected.

Mr. HARVEY moved an item of $250 for printing the report of the select committee of the last Congress on the subject of the West Point Academy. Rejected.

Mr. CHAMBERS, of Kentucky, moved the sum of $30,000 for the erection of a marine hospital at Maysville, Kentucky. Rejected.

Mr. LOYALL moved an item of $500 for the execution of a marble bust of the late Chief Justice Marshall; which was agreed to.

On motion of Mr. CAMBRELENG, the committee then rose, and reported the bill and amendments to the House, and they were ordered to be printed.

And then the House adjourned.

SATURDAY, APRIL 16.

GENERAL APPROPRIATION BILL.

The House, pursuant to the special order adopted on Thursday last, took up the bill making appropriations for the civil and diplomatic expenses of Government for the year 1836.

The bill was reported at a late hour last night, from the Committee of the Whole on the state of the Union, with sundry amendments, and the question was on concurring with the committee in their report.

Various amendments made in the body of the bill were then read and concurred in, without a division.

Mr. WHITE, of Florida, moved to non-concur in the amendment proposed by himself, and adopted by the committee, in relation to the allowance to the district attorney of Florida, under the acts for the settlement of private land claims in Florida; which was agreed to.

The Committee of the Whole had stricken out the following item: "For office rent and fuel for all the surveyors' offices, $1,000."

Mr. CORWIN moved to non-concur in that amendment, so as to restore the clause to the bill. Mr. C. made a few remarks in support of the provision in question, and referred to the recommendation for it by the Commissioner of the Land Office.

Mr. HARDIN opposed the allowance, and asked for the yeas and nays on the question of concurrence; which were ordered.

The original clause was further advocated by Messrs. JOHNSON of Louisiana, RIPLEY, and ASHLEY; and opposed by Messrs. VANDERPOEL, LINCOLN, BOON, and BOND.

The question was then taken, and, the amendment of the committee being concurred in, the clause was accordingly stricken out: Yeas 129, nays 23.

Sundry amendments of merely verbal or clerical character were moved by Mr. CAMBRELENG, and agreed to by the House.

The committee proposed to strike out the following clause: "For the Documentary History of the American Revolution, per act of 2d March, 1833, $20,000."

Mr. EVERETT excepted to the amendment, on the ground of its rejecting a provision to carry into effect a valid and binding contract, and asked for the yeas and nays; which were ordered.

Mr. PHILLIPS produced the contract made by Mr. Secretary Livingston with Clarke and Force, and a letter addressed by them to Mr. Secretary Forsyth; which were read by the Clerk.

The debate was continued by Mr. THOMPSON, of South Carolina, and Mr. CHAMBERS, of Pennsylvania, in favor of the clause, and by Mr. CAVE JOHNSON against it.

Mr. CARTER then submitted an amendment to the clause, directing the Secretary of State to notify Clarke and Force to discontinue the said work, and to ascertain the probable amount of damages that would be incurred by rescinding the contract, and to report the same to Congress at the next session.

Mr. SPEIGHT suggested to the gentleman to withdraw his amendment, and to permit the question to be taken on the amendment of the committee to strike out.

Mr. ADAMS spoke at length in favor of the appropriation.

Mr. SMITH, of Maine, said all the gentlemen opposed to the amendment offered by the honorable gentleman from Tennessee appear extremely desirous of holding the House to the strict letter of the contract alleged to have been made by the late Secretary of State, (Mr. Livingston,) with Messrs. Clarke and Force. They maintain that the honor of the nation is involved in the fulfilment of the construction now put upon that contract. I am in favor (said Mr. S.) of looking into the letter of it, but desire that the spirit also of the instrument, by which the honor of the nation is said to be thus deeply pledged, may also be examined. I think, sir, that it will be found, upon critical examination, that there is evidence enough in the documents connected with this contract, that no injustice will be done to Messrs. Clarke and Force by striking out the appropriation of $20,000 now under consideration, and that the honor of the nation will be in no degree violated by following out hereafter the course indicated by the resolution of the House adopted this morning, referring the whole subject of these books to the Committee of Ways and Means for final investigation.*

The honorable gentleman from Tennessee has remarked that this contract, if not a fraud in its inception upon the Congress of 1833, is, in the shape which it is now made to assume, a great imposition upon this House, and that the House is not bound to sustain it. I am, sir, also of this opinion, and I think there is evidence to substantiate this opinion to the satisfaction of any impartial jury of twelve men that might be empannelled in any part of the country. Let me invite the attention of the House to some features of the contract, to show that it was not contemplated either by Clarke and Force, or by the Congress of 1833, to be of the character and magnitude now represented by the honorable gentleman from Mas-

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*The following is the resolution alluded to:

On motion of Mr. JOHNSON, of Tennessee,

Resolved, That the report of the Secretary of State, dated the 22d of December, 1834, numbered thirty-six among the documents of the first session of the twenty-third Congress, and the papers accompanying the same, be referred to the Comm ttee of Ways and Means, with the following instructions:

1st. To inquire into the propriety of repealing the act of the 2d March, 1833, and rescinding the contract made by virtue thereof, by Edward Livingston on the part of the United States, and Clarke and Force, for the publication of the "Documentary History of the Revolution," and to pay the expenditures incurred by said publishers in consequence of said contract.

2d. If that is not proper to be done, then to inquire into the propriety of better regulating said contract; directing the number and size of the volumes, and the sum to be paid for the same, and the time for the completion of said publication, and the best and proper means of superintending said publication, and directing the documents to be inserted in said publication.

sachusetts, [Mr. Adams,] and by other gentlemen who preceded him on the same side.

By turning to the contract of Clarke and Force with Mr. Livingston, then Secretary of State, I find the following language made use of, descriptive of the work then contemplated: "The said Edward Livingston, &c., doth hereby authorize and direct the said Clarke and Force, jointly and severally, to prepare and publish fifteen hundred copies of said 'Documentary History of the American Revolution,' according to the plan laid down in their memorial and accompanying documents presented to Congress, and upon which said act has been passed."

Now, turn to the memorial here alluded to, for "the plan" of the work. That memorial, the original proposition of Clarke and Force, reads thus, in part:

"The memorial of the subscribers respectfully represents, that as early as the 11th day of July, 1778, the memorial of Ebenezer Hazard was presented to Congress, calling their attention to the importance of 'a Collection of American State Papers.' On the 20th of the same month, certain resolutions were passed, approving of the object, and granting such patronage and facilities as he desired. (See copies herewith, A.")

"Shortly after Mr. Hazard was appointed Postmaster General, two volumes were published by him; but the object of Congress was not attained, inasmuch as not a single document relating 'to the rise and progress of the present war with Great Britain,' referred to by the committee, was published by him. He gave up the work in consequence of his other engagements; and no one has since ventured to complete it.

"Your memorialists present themselves to Congress, willing and partially prepared to undertake this interesting and laborious collection," &c.

Such is the language that is descriptive of the work to which the Congress of 1833 was induced to extend its patronage, by the act of March 3d, of that year. And such is the plan of the work to which that act has reference, and upon which it was based. It was, substantially, to aid in the particular work which Hazard had projected and commenced, and in none other. What evidence have we further of the character of Hazard's plan, and of the magnitude of it? Why, sir, we have evidence on this point, which cannot but be of the most satisfactory character; evidence by which we can accurately judge of the view entertained by the Congress of 1833 upon this subject. We have the resolutions of the Congress of 1778, respecting Hazard's proposed work; and these resolutions are referred to by Clarke and Force in their contract with Mr. Livingston, and constitute a part of their memorial to the Congress of 1833, for the purpose of describing "the plan" of their work. One of these resolutions of 1778 reads thus, after setting forth "that Mr. Hazard must necessarily be put to expense of various kinds in procuring the extensive collection of materials he proposes to make:"

"*Resolved*, That to enable Mr. Hazard to sustain such expense, one thousand dollars be advanced to him upon account, returns being made to Congress of his expenses in this business."

Such, sir, is the indication furnished in the papers of Messrs. Clarke and Force, the memorialists, of the views entertained by the Congress of 1778 relative to Mr. Hazard's work, which these memorialists described to the Congress of 1833 as the plan of their work; they having transferred the title of Hazard's work, "*A Collection of American State Papers*," into the title of "*A Documentary History of the American Revolution.*" Will it be pretended, sir, hereafter, upon this floor, that the Congress of 1778 contemplated, in Mr. Hazard's work, an enterprise to be compared in any thing with the work now attempted to be imposed upon Congress under Clarke and Force's contract? It has been demonstrated that this latter work is to cost from four hundred and eight thousand to half a million of dollars, as the least estimate. And will the gentleman from Massachussetts, [Mr. Adams,] or any other gentleman, reflect so severely upon the Congress of 1778 as to charge them with having in view a work of this magnitude, or any thing like it, when they contributed the trifling, pitiful sum, in comparison, of one thousand dollars, to aid Hazard in his work? Sir, we are told by these memorialists themselves, Messrs. Clarke and Force, that to Hazard's work, whatever it was—and it is alluded to by them as giving the outline of their own plan*—that the Congress of 1778 granted to Hazard "such patronage and facilities as he desired." This is their own language, and their own showing; for I do not go out of the case they have given in their original documents, presented to the Congress of 1833, for my proofs that the contract which they now claim to have made is not the contract, and their present work is not the work, had in view either by themselves or the Congress of 1833. Let me ask gentlemen if they believe that Hazard, had he in contemplation an enterprise involving an expense of nearly half million of dollars, at the lowest estimate, would have desired "patronage and facilities" of Congress to the amount of only one thousand dollars, inasmuch as they were willing to grant all that he desired? Sir, I maintain that here is proof enough to insure the verdict of any jury in the country, that neither Hazard, nor the Congress of 1778, nor the Congress of 1833, for an instant conceived of such a stupendous enterprise as is now set up under the contract of Mr. Livingston, which has been read, nor do I believe that the memorialists themselves contemplated one of such magnitude at that time. I believe, sir, that here is evidence in abundance, in their reference to Hazard's plan as a description substantially of their own plan, and in the character of the resolution of 1778 respecting Hazard's plan, to sustain the positions taken by the honorable gentleman from Tennessee, that Congress has been outrageously imposed upon under this Clarke and Force contract, and that Congress is not bound now, in neither honor nor equity, to fulfil the construction now attempted to be put upon it. Sir, we ought to stop, before contributing an additional sum of $20,000 to the sum of $20,000 already appropriated, until a thorough investigation of the subject has been made by the Committee of Ways and Means, under the resolution of the same honorable gentleman, adopted on this morning by the House.

We are told, further, by these memorialists, that Mr. Hazard pursued his plan through two volumes, and then abandoned it. Why did he abandon it? Because the magnitude of the enterprise was too great for his means, and because Congress refused to aid him sufficiently in comparison to his enterprise? No such thing. Congress contributed one thousand dollars towards it. It does not appear that more was needed. But he abandoned it; we are told "he gave up the work in consequence of his

* Messrs. Clarke and Force further say in their papers, in reference to Hazard's plan: "It will be seen that much of the time intended to be covered by our work was embraced in Mr. Hazard's plan, extended, as it was, by that part of the resolution of the Continental Congress which authorized the collection of such papers as related to the 'rise and progress of the present war with Great Britain.' If, then, in 1778, a most gloomy period, &c.; if, under all these adverse circumstances, the Continental Congress ordered that to be done which we now proffer to do, and more, was it presumptuous in us to ask for, or imprudent or premature in Congress to pass, the act under which our contract has been made?" —*Note by Mr. Smith.*

other engagements, and no one has since ventured to complete it." Such is the history of the work he planned, and such is the plan of the work presented to the Congress of 1833, to induce them to pass the act under which the present enormous claim of Clarke and Force is set up.

Sir, there is another consideration in aid of the position of the gentleman from Tennessee. On recurring to the act of 1833, directing the contract to be made, it will be seen that there is no limitation imposed as to either the number of copies to be contracted for, or the number of volumes to which each copy shall be confined, or the number of pages or magnitude of each volume. What is the inference from these singular omissions, for most singular they must be, if the act authorized the contract now contended for by those gentlemen who favor the proposed appropriation? Is the Congress of 1833 to be charged with recklessness or want of the exercise of ordinary vigilance over the public Treasury in this matter? Will the gentleman from Massachusetts so charge them? But is it short of making such a charge to say that they had in view an enterprise that would involve an expenditure by the nation for books, to be distributed principally among the members of Congress, to the amount of nearly half, and perhaps to a full million of dollars, and yet omitted entirely to impose the slightest restrictions upon the contracting party? Sir, these omissions of the act of 1833 clearly demonstrate, to my mind, that Congress did not have in view any such enterprise. They did not dream of such an enormous expenditure of public money for books as this Congress is called upon to sanction. They authorized no such contract as Mr. Livingston is said to have made—no such contract as the contract he actually attempted is now represented by construction to be.

Sir, there is another view of this subject which occurs to me, to disprove entirely the position that the honor of the nation, or that this Congress, is in equity bound to fulfil the enormous expenditure of half a million of dollars for books now pressed upon us. I appeal to the gentleman from Massachusetts to say, (and he perhaps has as deep an interest as any one, all things considered, in having as perfect a work as possible,) if we must have any work of the high character he has described as desirable; I will appeal, also, to every gentleman having a seat upon this floor, whether they believe that the Congress of the United States, if at any time it should intend to attempt an historical compilation so extensive and magnificent as that now represented to be embraced by this contract, would have passed by the long catalogue of great and splendid names engraven upon your nation's annals, and upon the pages of your national literature, and fallen upon Messrs. Clarke and Force as the suitable persons to engage in the great undertaking. Is it reasonable? is it credible? I intend to say nothing disrespectful of those gentlemen as men; I speak of their qualifications in reference to such a work as the gentleman from Massachusetts has described. Are they qualified for it? Sir, that gentleman will not say it. And this consideration, of itself, demonstrates that it could not be that the Congress of 1833 had in view any such work or any such contract as the one now attempted to be imposed upon us.

Sir, there is another consideration which characterizes this contract, and has not yet been alluded to; a consideration which may well operate as a release of Congress from proceeding further into the contract. Mr. Livingston was imposed upon, in my humble judgment, in the price to which he was induced to assent to, for the proposed work. By the terms of the act of 1833, the rate of expense was not to exceed the actual cost per volume of the Diplomatic Correspondence which had been or was being printed. The contract reads: "And whereas it has been ascertained, by the report of the agent in the Department of State, that the edition of the Diplomatic Correspondence now printing will cost two dollars and twenty cents per volume, without any index thereto;" also that the average cost with an index would be $2 31½ per volume, "which would amount to the cost of four mills and one fourth of a mill per page of said edition." It is to be remarked that "the report of the agent in the Department of State," here alluded to, and by which Mr. Livingston was made to believe that "the actual cost" of the Diplomatic Correspondence was two dollars thirty-one and a half cents per volume, is nowhere to be found among the papers connected with the contract; and if so, it has entirely escaped my investigation; and who this agent was does not appear. I however undertake to say, that in this report Mr. Livingston was egregiously imposed upon, or the agent who made it must have been imposed upon. Refer the details of that report, whatever they may have been, to any number of impartial practical printers in the United States, out of this city, with inquiries into the accuracy of its conclusion, and I verily believe that nine in every ten of them will tell you that the same work can be executed, and the very best security can be had in a contract for the execution of it, at less than two thirds, if not one half, of the price thus reported. Refer the subject to a jury of practical printers in this city, or to a committee of any number, to those who have no interest in the matter, to honest and impartial men, and they will tell you, I have no doubt, that "the actual cost" of the Diplomatic Correspondence is not two thirds of the sum which Mr. Livingston was made to believe. It may be true that the cost of the work, if executed in this city, might necessarily be greater than at Philadelphia, New York, or Boston. But the memorialists were not required to have the work executed here, but wherever it could be executed upon the most reasonable terms. Yet, executed where it may be, it is not in the nature of things for such a work, at this day, to cost such a sum as is now attempted, under this contract, to be fastened upon the Government. In this particular, therefore, if I am not entirely mistaken, (and I admit this is matter of judgment entirely,) the contract was not made in good faith, and is not binding upon the Government, in honor or in equity.

Sir, there are other views which will justify us in halting where we are in this matter. The terms of the contract are yet incomplete. Congress is not bound to adopt, in the particulars not yet agreed upon, the terms which the memorialists may dictate or prescribe. I ask gentlemen to tell me where, in the act of the 3d of March, 1833, the number of copies of the proposed history, to be taken by Congress, is specified? It is not there at all. But in the contract of Mr. Livingston, it is true, the number of fifteen hundred is assumed. But even this is not the most essential point. Let any gentleman answer, where is there any agreement between Congress and the memorialists, as to the number of volumes which each copy of the work is to consist of? There is no such agreement yet completed. In this most important particular, the agreement is yet incomplete, and remains to be consummated before Clarke and Force are authorized to proceed a step further under the partial contract, or the contract relating to other parts of the work, which has been made. Messrs. Clarke and Force have proposed, as reported by Mr. Forsyth two years since, to limit themselves to twenty volumes per copy, "leaving Congress afterwards to determine whether, if any papers should remain, the work should be further extended." Any person can readily understand what this condition means. It is true that in a letter of subsequent date, from Clarke and Force, which has been read by the Clerk, the proposition is now made by them to limit the fifteen hundred copies to twenty volumes each, unconditionally.

All this is admission that this important part of the contract is open to disagreement between the parties; and, until it shall have been concluded, the parts agreed upon become nugatory. Sir, I am in favor of stopping all appropriations for the work until this portion of the detail in the contract has been completely settled, either under the resolution referred to by the Committee of Ways and Means, to which I have before adverted, or in some other way.

But, sir, there is another and most essential point in this contract which is yet open and incomplete. It is as important, in fact, as either the number of copies you are to take of the proposed work, or the number of volumes of which each copy is to consist. I now allude to the number of pages, or magnitude of each volume. The pages of each volume, the size being folio, may be 800, 1,200, or 2,000, without a disregard of proportions, just as these contractors may determine, if Congress be actually bound upon this point; and, consequently, the work may vary from half a million of dollars expense to that of a million of dollars, and even more widely. And is it to be conceded that we are to stop all further inquiry, or modification of the enterprise, and be told that the nation's honor is violated unless we assent to make appropriations to carry out such a construction of this contract? Sir, I maintain that, upon this point, Congress has a right to stop, and refuse all further appropriation, until a definite agreement and understanding has been made between the parties respecting it. It is a point open to difference of opinion. It is a most essential point involved by this contract; and until this difference shall have been adjusted, the contract is incomplete, and neither party is but partially bound. And the fault of this, sir, lies as much with the memorialists as with Congress. They induced Congress into this position, and placed themselves there voluntarily; and it is not for them, nor for any one else, to accuse the nation of meanness or dishonor, if there be a refusal on the part of Congress to come up now to Messrs. Clarke and Force's particular and favorite terms respecting it.

It has been told us that the memorialists have progressed in their work, and cannot stop without great loss. They say, in a letter that has been read by the Clerk, that they have been at great expense in collecting materials from the State of Georgia, from New Hampshire, and I believe they mention a third State, and then add elsewhere. Now, sir, it is known to be the first dictate of policy, when a person is desirous of magnifying any class of his labors, to select for specification those portions which will tell most for his purpose. I know not what have been the expenses of these gentlemen in the State of Georgia, or in the third State which I believe was mentioned, but I have been informed that, in the State of New Hampshire, the aggregate of their expense does not exceed $1,500;* and if so, taking all of the old States from whose archives it may be necessary to draw materials, the amount already expended cannot be so enormously large as to require Congress to appropriate another $20,000 upon the sum of $20,000 heretofore appropriated, for the purpose of indemnifying them, prior to the investigation of the matter now resting with the Committee of Ways and Means shall have taken place.

Mr. Speaker, from the views I have thus taken of the subject, from the facts contained in the papers connected with Clarke and Force's original memorial, if there be any weight in them, I am persuaded that the appropriation now contained in the bill for this documentary history should stricken out. We are justified in putting a stop to the alleged contract: first, because it is made to assume a shape and magnitude now, which was not and could not have been contemplated by the act of 1833 on the part of Congress, if it were on the part of the memorialists; and because the contract, thus magnified, is an imposition upon Congress; and, next, because the price of the work imposed upon Mr. Livingston, or upon the agent of the State Department, is an imposition upon Congress. It cannot have been ascertained in good faith to be the actual cost of a work like the Diplomatic Correspondence. I admit this is a matter of judgment on my part, and I may be mistaken; yet I do not believe it. It should be investigated before this additional appropriation is made. We may justly stop where we are in our appropriation, because the terms of the agreement between Congress and Clarke and Force are yet incomplete; the agreement is yet unfinished in its details, and in its more important details, about which a wide difference may be entertained by the two parties. Both the number of volumes of which each copy is to consist, and the number of pages or magnitude of those volumes, are yet to be agreed upon. Nor is it for these memorialists to complain if we stop at either of these points. They induced Congress into a false position. If they did not do it designedly, if they did not mean to impose upon Congress a contract that was fraudulent on their own part, (and I do not assert it was so,) they at least knowingly permitted Congress to pass the act of 1833, upon their own application, without coming to a definite understanding upon the subject of it, or suspecting the magnitude now attributed to it. If there be trouble brought upon them, therefore, they have been mainly instrumental in inducing it. It is their fault. But, sir, I am not opposed to treating them fairly. I am in favor of the course in which the Committee of Ways and Means have been instructed upon the subject. I would not do them injustice in any court. I would redeem their loss, if the conclusion be to stop the publication entirely, and indemnify them, even to the extreme of generosity, although they have induced the difficulty upon themselves. But, sir, until investigation is had, and until a new understanding is entered into, respecting the open and unsettled and disputed parts of the contract, I am opposed to appropriating one additional dollar for the execution of the work, and hope that the appropriation will be stricken out of the bill.

Mr. PEARCE, of Rhode Island, now obtained the floor; but gave way to

Mr. LANE, on whose motion

The House adjourned.

MONDAY, APRIL 18.

PRESENTATION OF PETITIONS.

Mr. REED moved to suspend the rules until one o'clock, for the purpose of calling the States, in order, for such petitions as should not be objected to or give rise to debate, and also resolutions on the subject of post routes; which was agreed to: Yeas 116, nays 24.

Petitions were accordingly presented by Mr. BAILEY, of Maine; Messrs. ADAMS and REED, of Massachusetts.

Mr. PEARCE, of Rhode Island, offered to present three petitions, each of which was objected to by

Mr. WISE, on the ground that, by the vote of the House, it was put in the power of one man to object to the presentation of petitions. He was opposed to any such power being placed in the hands of a single mem-

* Mr. SMITH has been since informed that, although the actual payments for materials in New Hampshire have been less than the sum stated, the liabilities incurred therefor are about $2,000. But probably less of the documentary history of that State than of any other of the original States has been heretofore published, and consequently copies from there will be more extensive than from almost any other State.—*Note by Mr. S.*

ber; and he should continue to object to every petition which was presented under the rule just adopted.

Mr. SPEIGHT hoped that some gentleman who voted in the majority would move a reconsideration of the vote adopting the proposition of Mr. REED; and that they would proceed to dispose of the regular business on the Speaker's table. It was obvious that they could not proceed under the resolution of the gentleman from Massachusetts, as notice had been given by the gentleman from Virginia [Mr. WISE] that he should object to every petition which should be offered.

Mr. HOAR moved to reconsider the vote, with a view to an amendment of Mr. REED's motion, so as to suspend the rule to receive petitions without being restricted by any objections.

The motion to reconsider was agreed to; when

Mr. REED modified his motion in accordance with the suggestion of his colleague, [Mr. HOAR.]

Mr. WILLIAMS, of Kentucky, moved to lay the motion on the table; which was negatived.

The motion of Mr. REED, as modified, was then agreed to: Yeas 111, nays 34.

Petitions and memorials were then further presented by Mr. REED, of Massachusetts; Mr. INGHAM, of Connecticut; Messrs. ALLEN and SLADE, of Vermont.

Mr. SLADE presented the petition of eighty-one citizens of Bristol, Pennsylvania, remonstrating against the admission of Arkansas into the Union, with a constitution which tolerates the existence of slavery. Mr. S. was stating the contents of the petition, when

Mr. WISE objected to its reception.

The SPEAKER decided that, according to the construction given by the House to its own resolution, (Mr. PINCKNEY's resolution,) passed on the 8th of February last, the petition would go to the select committee, under the order of the House.

Mr. WISE. I appeal from that decision of the Chair.

Mr. SLADE asked for the reading of the petition, which was objected to in all parts of the House. The question recurring upon the appeal from the decision of the Chair,

Mr. WISE said there was nothing in the resolution, even by the broadest construction of it, which would sustain the decision of the Chair. The resolution which the House had adopted, he contended, only related to the District of Columbia, and had no reference whatever to the Territories of the United States. There was an important question involved in this memorial, and that was, whether the Congress of the United States had the right to impose conditions in relation to the subject of slavery on the new States, when admitted into the Union. He could not see, for the life of him, how it was possible for any person to apply the construction to the resolution which the Chair had applied in this case. He asked if it was the intention of gentlemen to disturb the compromise in the Missouri question. After what the country had witnessed on that exciting question, were they, by a construction like this, to have that excitement raised anew? He asked gentlemen who had voted for this resolution, if it was intended to raise the Missouri question again upon the country? He, as a Southern man, dreaded the excitement of that question; and he therefore protested with all his power against it. He thought that no gentleman who had voted for this resolution, with the exception, perhaps, of the gentleman from Vermont, ever contemplated that the Missouri question was to be raised upon them. Neither of the resolutions had any reference to the Territories of the United States; and he thought it was too plain a case to be argued.

There was nothing in the resolution to admit of the construction the Chair had given to it; and if the House should refuse to receive the petition, there the excitement would end, and debate would cease.

Mr. SPEIGHT. This was a new question. It was an important one, and, as a Southern man, so he felt it. This was no question about the abolition of slavery in this District, but one for the abolition in the States; for he considered Arkansas as a State. He was not disposed to argue this question; for that, indeed, would be precisely what its friends desired. It would be to give the subject an importance which it did not merit. He was inclined to differ with the Speaker. He thought this petition should not be received. He had understood the Chair, in the early part of the session, to have given a different decision; and had decided that it was in order to object to the reception of these petitions.

The CHAIR observed that he had so decided on one occasion; but the House, by their vote, reversed that decision; and subsequently his decisions had been in conformity with that vote of the House.

Mr. SPEIGHT resumed. He hoped the House would refuse the reception of this petition. This is the first attempt to interfere with slavery in the States; it was a new question. What right, he asked, had Congress to impose a restriction on the people of Arkansas? This question must be met and put down. He was well aware that nine tenths of the people of the North were opposed to meeting this question. It was the work of a miserable degraded faction, who were at work for political purposes, and the member from Vermont [Mr. SLADE] as their instrument to effect them. He hoped gentlemen would meet the question, and put down these petitions. However much he might be disposed to support the right of petition, he would not shrink from this question, let the consequences be what they might. Here was a direct interference with the rights of a Southern State; for he called Arkansas a State, as she was just about coming into the Union; and were they to receive a petition from a set of miserable, degraded fanatics, instructing them as to what conditions were to be imposed on this new State when she was admitted into the Union? Mr. S. said he had great respect for the Chair, as an officer of the House, and great respect for him personally, and nothing but that respect prevented him from rushing up to the table and tearing that petition to pieces. He wished to have the question taken on the reception of the petition; and if the petition should be received by a majority of the House, then he cared not what became of it.

The CHAIR stated the grounds of his decision to the House. He said that, in giving the decision he had, he considered himself as but executing the resolution of the House, (Mr. PINCKNEY's resolution,) according to the construction which the House itself, by its decision shortly after its adoption, had placed upon their own resolution. It would, he said, be remembered, that when the resolution offered by the gentleman from South Carolina, and which had been adopted by the House, first took effect, the Chair had placed a construction upon it, and had decided according to that construction. The House differed with the Chair, and placed their own construction upon its meaning and intent. Subsequently to that time, the Chair had taken great pleasure in carrying the resolution into effect conformably to the opinion and decision of the House, as declared by a large majority of that body. And in giving the decision which he had on the present occasion, he had, in his opinion, done nothing more than attempt faithfully to conform to the decision of the House, and to carry into effect the declared will of the House itself. The House itself had placed the construction upon their own resolution, under which the Chair was then acting; but if the House should reverse their decision, the Chair would of course be governed by the last construction

placed upon the resolution by the House. The resolution was a new rule, or order, operating upon this particular question. In construing it, no lights could be derived from the authorities of parliamentary precedents. It was a question of intention on the part of the House who passed it. What did the House mean should be the construction placed upon it, was a question which the House alone was competent to determine. The petition now presented the Chair considered, from its face, to be an abolition petition; a petition upon the subject of slavery generally, in which the petitioners express their opinions upon the subject generally, and state that an occasion has arisen on which they press their views upon Congress in connexion with the admission of Arkansas into the Union. He read from the resolution of the House, in which it was declared that "all memorials which have been offered, or may hereafter be presented," and that every "other paper or proposition that may be submitted in relation to that subject, be referred to a select committee." The resolution further declared that "the resolutions offered by the gentleman from Maine should be referred to the select committee." The resolution of the gentleman from Maine, thus referred by the order of the House to the select committee, declares that "any attempt in this House to agitate the question of slavery is calculated to disturb the compromises of the constitution, to endanger the Union, and, if persisted in, to destroy the peace and prosperity of the country." Such were the broad terms in which the resolution adopted by the House was couched. The House had heretofore decided that all petitions, papers, and propositions, upon the subject of the abolition of slavery, went, upon presentation, as a matter of course, under the operation of that resolution, to the select committee. This being a petition of the character embraced by the resolution, the Chair, in conformity to the decision of the House, was of opinion that it would go to the select committee upon its presentation. Should the House, upon reconsideration, reverse its own decision, and place a different construction upon the resolution, the Chair, as already stated, would take pleasure, as it would be his duty, to carry the will of the House, as last declared, into effect.

Mr. HAWES moved to lay the question on the appeal on the table, and upon that motion called for the yeas and nays; which were ordered.

After some conversation as to what situation the petition would be left in, &c., between Messrs. WISE, MORRIS, SLADE, LEWIS, UNDERWOOD, PATTON, BYNUM, and the CHAIR, the question was put on the motion to lay the appeal of Mr. Wise on the table, by yeas and nays.

Before the decision was announced, Mr. CHAMBERS, of Kentucky, rose and informed the House that his colleague, [Mr. Underwood,] had not voted; and he moved to compel him to vote. In doing this, he concurred with his colleague in the reasons which had induced him to decline voting, and he had made the motion for the purpose of giving him an opportunity to present his reasons for so doing.

Mr. UNDERWOOD asked to be excused, on the ground that he could not conscientiously vote upon this question, unless he knew the contents of the paper upon which he was required to vote. If the House, then, refused to allow the paper to be read, he hoped they would not compel him to vote upon it.

The question was then taken on excusing Mr. Underwood; but, before the decision was announced,

Mr. CHAMBERS, of Kentucky, inquired of the Chair if the question was debatable.

The CHAIR replied that, from the voice of the House, the gentleman was excused by a large majority.

Mr. CHAMBERS said he had risen before the decision was announced, and he again asked if the question was debatable.

The CHAIR referred to the rule, and said as it was a new question, (for he had no recollection of its ever having been presented before,) he was, therefore, not prepared to say that the gentleman was not entitled to assign reasons why the reasons of his colleague to be excused were or were not satisfactory. The Chair, however, never knew the question raised before; for the invariable practice had heretofore been to take the question without debate.

Mr. CHAMBERS then understood the Chair to say he had the right to debate this question. Mr. C. proceeded to address the House, and continued till 1 o'clock, when Mr. CAMBRELENG called for the orders of the day.

The subject before the House was then laid over, without announcing the decision upon the appeal of Mr. Wise.

[The vote was understood to be 127 in favor and 67 against the motion to lay the appeal on the table.]

GENERAL APPROPRIATION BILL.

The House, in further execution of the special order of the 26th January, resumed the consideration of the bill making appropriations for the civil and diplomatic expenses of Government for the year 1836.

The bill had been considered in Committee of the Whole, and the question immediately pending was on concurring with the amendment of the committee to strike out the following clause: "For the Documentary History of the American Revolution, per act of 2d of March, 1833, $20,000;" and

Mr. CARTER moved to amend the clause by directing the Secretary of State to notify Clarke and Force to discontinue the said work, and to ascertain the probable amount of damages that would be incurred by rescinding the contract, and to report the same to Congress at the next session.

Mr. PEARCE, of Rhode Island, who was entitled to the floor, addressed the House for some time in opposition to the amendment of the committee, and in favor of retaining the clause. Messrs. VANDERPOEL, GLASCOCK, THOMPSON of South Carolina, TOUCEY, CHAMBERS of Pennsylvania, EVERETT, and ADAMS, followed on the same side.

Mr. HARDIN and Mr. RENCHER spoke in opposition.

Mr. CAVE JOHNSON said he would state to the House as briefly as he could the objections which he had to the appropriation of twenty thousand dollars for the Documentary History of the American Revolution. He felt it his duty to do so because of the erroneous remarks attributed to him in the Globe, which gave the debates in the Committee of the Whole on the state of the Union, the other day, as well as to correct an error which he had himself fallen into, in the estimate submitted to the committee, of the cost of each volume of the intended publication. He had stated to the committee that the cost of each volume would exceed twenty dollars, and the cost of the whole work, if limited to twenty volumes, of eight hundred pages, would be over four hundred and eight thousand dollars. Upon examination, he had ascertained that each volume, of the size proposed, would cost thirteen dollars and sixty cents, and the twenty volumes the exact sum of $408,000. Mr. J. said the contract had been made by Mr. Livingston with the publishers, under the provisions of the act of the 2d March, 1833, which authorized the Secretary of State "to contract" with them for the publication of the "Documentary History of the American Revolution," in octavo or folio volumes, provided "that the rate of expense shall not exceed the actual cost per volume of the

Diplomatic Correspondence now printing under the direction of the Secretary of State."

On the 19th of March afterwards, the contract was made which had been read to the House, binding the United States to take fifteen hundred copies of the work at one cent and seven tenths for each page, equalling thirteen dollars and sixty cents for each volume of eight hundred pages. There is no limitation in the contract, as to the number or size of volumes, or of the documents to be inserted in the publication, nor any time fixed for the completion of the contract; all these things are left to the discretion of the publishers. He supposed it was the main object of the act of the 2d March, 1833, to have a contract made for these purposes, fixing a reasonable compensation, some limitation to the work, and the period of its completion. Congress need not have referred to the Secretary of State the number of the copies that was to be taken—that could have been settled by the House without difficulty; but all the other considerations alluded to could not have been so readily adjusted, and it was therefore referred to him. Every consideration that must have operated upon Congress, in referring it to the Secretary, seems to have been overlooked or forgotten.

The Secretary merely fixes the number of copies to be taken and the price to be paid. Congress has nothing to do but stand by and pay the extraordinary and extravagant price of thirteen dollars and sixty cents per volume, as the publishers choose to call for it, without limitation of time, and for such stuff as may suit their interest or pleasure to insert in the publication. Mr. J. said that, in his opinion, the contract would be more profitable to the publishers than an annuity of ten thousand dollars, unaccompanied by any duty to be performed. There was no end to the materials which might be inserted in the publication. "The resolves, addresses, memorials, remonstrances, and other proceedings of the people, the assemblies and other local authorities of the colonies;" "the correspondence and proceedings" of the British Government; "the public papers of Congress and the several States, their officers and agents," and all other papers in relation to the Federal or State Governments, as well as every other document or paper which could be found in Europe or America, connected with this country, from its first discovery to the close of the American Revolution, seemed to be within the scope of the contemplated publication, and which Congress under the contract would be bound to take, at whatever price they might cost; and he had but little doubt that the publication under the contract might as readily be made to cost four or five millions of dollars as the sum of near half a million, to which they propose now to limit it, if it is to be understood that the work is not to exceed twenty volumes of eight hundred pages each.

Mr. J. said that, in his opinion, Mr. Livingston had omitted every thing which was required to be done by the act that was material to the interest of the United States, and which was in the contemplation of Congress at the time of the passage of the act. "To contract" for the publication, meant something more than the mere subscription to the work, and specifying the number of copies to be taken, and the price. The manner in which the work was to be done—the proper selection of the materials to be inserted in it—the proper limitation of the copies to be taken—the number of volumes to be published—the size of the volumes, and the cost of each—all must have been regulated by the Secretary, to have fulfilled the expectations of Congress. These considerations seem not to have entered the mind of Mr. Livingston; and the little he did in accordance with the objects of Congress, in the reference to him, greatly exceeded the authority given him by the act. The act limits the expense to the "actual cost" of the Diplomatic Correspondence, which they ascertain to be, as stated in the contract, two dollars and twenty cents for each volume of 544 pages; but this admitted price of that work, the "actual cost," is not taken by them as the basis upon which the new contract is to be made. A "good and copious index" is to be added to the new publication, in lieu of the table of contents in the Diplomatic Correspondence, and which they suppose should increase the value of each volume eleven and one-half cents—and this is assumed as the ground upon which the contract is made for the payment of the new publication, and without other reference to the "actual cost," as required by the act of Congress.

Mr. J. said the question was now fairly presented to the House, whether we should permit the parties to proceed with the publication, and make the appropriations necessary to enable them to progress with it; or whether we should at once put an end to the contract, and pay such a sum as might be deemed an adequate and just remuneration for the expenses incurred already, or the damages sustained by the publishers; that he should never, whilst he had the honor of a seat upon this floor, vote one dollar for the fulfilment of the present contract. He had no doubt that the Congress of 1833 had been deceived and misled by those interested in the publication, as to the extent of the work, as well as the necessary expenditures to complete it. He was himself a member of that Congress, and was opposed to the passage of that law, as he is now to the further progress of the publication; and he felt confident, if that Congress had been aware of the extraordinary sum to be expended, the passage of the law never could have been procured. He himself had not the least idea of the expense of the contemplated publication until long after its passage.

The best mode of getting such measures through both Houses of Congress was well understood by those interested in this publication. The papers submitted to Congress at the time, and now reported to the House by the Secretary of State, were well calculated to deceive the members as to the extent of the work, and quiet their apprehensions as to any extraordinary expenditure being necessary to complete it. He would not say that they had been drawn up with that view, or were so intended by the publishers. He was convinced, however, that such had been the effect. The name itself, "The Documentary History of the American Revolution," would imply a collection of papers interesting and useful to the country, and which might be embraced in a volume or two of moderate size. No man could have suspected, under it, a collection of public papers in relation to "the origin of the several colonies, their charters, bills of rights, and public papers previous to 1763," which might be made to extend to any number of volumes, at the discretion of the publishers, and cost millions of dollars, instead of hundreds of thousands. The name itself was calculated to mislead and deceive the House. The phraseology of the law itself was not more specific. Even the memorial of the publishers to Congress, upon which the act was founded, gave no precise information of the nature or character of the work, further than the title implied, except by reference to a letter addressed by them to the Secretary of State, bearing date the 18th of July, 1831. And even in that letter it is not clearly shown to what extent documents relating to events anterior to the encroachments by the British Government in 1763 are to be introduced.

The publishers knew well that, in the press of public business which occurred at the conclusion of every session of Congress, and particularly of the short session, such a proposition was likely to escape the attention of the members, unless there was something upon the face of it calculated to excite suspicion of an unusual or extra-

ordinary expenditure—that the opinion of members would be formed from the descriptive title given to the work, and that a "Documentary History of the American Revolution," to be contracted for by the Secretary of State, would be such a proposition as not to excite the least suspicion of the expenditure of a million or two of dollars. The bill passed the Senate a few days before the close of the session, and was taken up and passed by the House on the last night of the session for business, and seems to have attracted no attention whatever. The facts stated by the honorable gentleman from North Carolina were conclusive as to the imposition practised upon the House. The proposition for the same publication had been before Congress in June, 1832; the bill specifying upon its face the sum of eight dollars per volume of eight hundred pages, which the publishers were then willing to take. At the next session of Congress, composed of the same individuals, the same proposition is again submitted to both Houses of Congress; a new bill introduced, omitting the eight dollars, which had caused its failure the preceding session; and the Secretary of State is authorized to contract, and actually contracts, to pay almost double the sum the same parties were willing to take six or nine months before. No reasonable man, under such circumstances, knowing all the facts, would have voted for such a law, or made such a contract. He repeated that he did not doubt that Congress had been egregiously imposed upon by those interested in the publication, and that Mr. Livingston had been grossly negligent of the interests of the United States, in the performance of the duties assigned him under the act. To render this law more palatable, if perchance it was looked into by any member, a copy of the publication was to be given to each member of that Congress, which would be equal to two hundred and seventy-two dollars each, if the publication should be limited, as proposed, to twenty volumes of eight hundred pages.

The passage of similar propositions by the House of Representatives often occurs, without the attention of the members being called to the subject. The other day a resolution proposed to give the new members of the present Congress the same books that had been given to the members of the last Congress; a proposition apparently reasonable and fair, and not calculated to excite in the members of the House any suspicion of an extraordinary expenditure. And he had reason to believe that the honorable member who introduced the proposition was not himself aware of the extent of the expenditure that would be incurred by its adoption. It has been examined with care, and the cost to the United States would have been near one hundred thousand dollars, giving to each of the new members over one thousand dollars' worth of books. The resolution had been accidentally arrested, and he hoped might be finally defeated. He had no doubt the law of 1833 passed unobserved by the members of the House. The same individuals who rejected a bill proposing the publication of the same book at eight dollars for each volume would not probably have voted for a project that has been made to cost the United States near double that sum.

Mr. J. said he thought it was time that this House should put an end to the publication of books; he had looked into the subject for a few years past, and was convinced that expenditures for that purpose, in the way they had been made, were the most useless and improper of all other applications of the public moneys known to him. [Mr. J. here read a list of the books published by Congress since 1826, specifying the books, the number of volumes, and the amount paid by Congress; and said that, from this statement, it appeared that the whole expenditure for that period amounted to the sum of $397,994; and, if the present contract was continued and completed, we should have over $400,000 more to add to that sum; which, if judiciously expended, would have secured for Congress the best library in the world.] He must say, however, that, in his opinion, large sums of money had been squandered in jobs for favorite printers and contractors of Congress, and without a proper regard to the interests of the public. He was willing to appropriate from the public Treasury liberally for the purchase of a national library, but he thought Congress should cease to be a publisher. The contract with Clarke and Force ought to satisfy every member of that.

Mr. HUNTSMAN rose and addressed the House as follows:

Mr. Speaker: We are called upon to give a vote in regard to an item of $20,000, to pay Messrs. Clarke and Force for printing and binding into books the Documentary History of the Revolution. This is to be done by virtue of a former act of Congress; by the operation of which, it seems, the Treasury of the nation is to suffer nearly to the amount of half a million of dollars, and the common people of the country, out of whose pockets the most of this money comes, are not to be benefited one cent. This item is the sum now demanded, in addition to the sum of $20,000 granted heretofore, and enormous sums hereafter, which, by the improvidence of the contract, we will be called upon to vote in future times. I cannot return to my constituents, and render a just account to them of my actings and doings here, with the expectation of meeting their approbation, without entering my most solemn protest against this unsound, unjust, and indiscreet appropriation. It claims to be predicated upon a contract made by the late Secretary of State, (Mr. Livingston,) under an act of Congress, the stipulations of which were, that the Government was to pay for each copy of the volumes the sum of $13 40. There was no limitation to the number of volumes, in the first instance; and the undertakers could, if they were so disposed, continue and extend the publications until the volumes would reach one hundred, and thereby draw one or two millions of dollars out of the Treasury. Such a construction can be put upon this contract, that every old newspaper, pamphlet, almanac, advertisement, Tom Paine's writings, camp songs, and other trash, if it even has the remotest reference to the scenes of the Revolution, or any thing that was written during the war, can be baptized by the name of revolutionary documents, and be placed in these volumes. Is it expected by any person that this catch-penny contrivance is to be depended upon, in after-times, as a correct history of the revolutionary transactions which give immortality to our ancestry, and place us in a land of equal laws and equal rights? Surely no one has the credulity to hazard such a supposition.

But this is by far the least objectionable part of this transaction. It appears by one portion of the contract, that fifteen hundred copies of this work are to be struck, and, by a subsequent modification of the contract, it is limited to twenty volumes; yet it is stipulated that the members of Congress who passed this law were to have one copy of each volume of the whole work for their private use. I am desirous, sir, that it may be distinctly understood that I do not cast any imputations upon the motives of the honorable members of Congress who gave this vote, for I suppose them all to be honorable men; yet it may be useful to examine how this subject has worked in its practical operation. There are two hundred and eighty-eight members in Congress. Each member of that Congress who passed this law is to get one copy of these volumes; fifteen dollars or thereabouts per volume, for twenty volumes, will amount to $300 to each member. This amount of $300 to each member, multiplied by two hundred and eighty-eight, amounts to the sum of $86,000 to members of Congress alone. Subjects similar to these were canvassed in my district; the principle was disapproved of; and I cannot assent to

them here. I take the liberty to protest most solemnly against it, in the name and on behalf of my constituents. The gentleman from Massachusetts [Mr. ADAMS] has been quite luminous in his display of ancient and modern lore in advocating this appropriation. But, if I had any doubts remaining as to its impropriety, the gentleman has entirely removed them; for he has not only convinced me that my first impressions are right, but has given us such information as enables me to see clearly how the Government has been so grossly cheated in this contract. He informs us that great prudence and economy was observed in making the contract by the late Secretary of State, (Mr. Livingston,) who is a man of very superior political information, as well as an accomplished scholar, possessing the finest order of literary attainments. This solves the riddle.

I have a most exalted opinion of the talents, the integrity, and the pure and undefiled republicanism, of the gentleman spoken of. It stood by him in the times that tried men's souls; he was one of the forlorn hope in 1798, that laid bare his arm against aristocracy; and the god of political battles enabled him, with his small band, to prevail. They planted the standard of republicanism upon the ramparts of the constitution; where, I hope, it will wave triumphantly forever. But, sir, if I were about to engage in a contract in any of the business concerns of this life, those gentlemen of vast literary attainments, who know every thing in the books, and little or nothing out of them, who can take you by a luminous path through the whole circle of sciences, but who will lead you into a quagmire as soon as the purchase of a pig or a lamb is the subject of action, are the last men in all Christendom that I should select to make a contract for me. If you employ one of them to trade a horse, a common countryman will cheat him out of one half of the value of the animal. If you employ them to contract for the publication of a few books, they will get cheated out of half a million of dollars, as the Secretary was in this instance by the original contract. If you employ them to negotiate about a boundary line, they will get cheated out of a tract of country as large as all Texas, as was done by the Florida treaty in 1819. This serves to convince us at once that they cannot descend from their high literary cogitations, and mix with us mortals in the common spheres of life to a sufficient extent to understand any thing about contracts. There are many people in this world who have all sorts of sense but common sense, which is much the most useful to nine tenths of the human family. Those persons who have no opportunities to acquire more than a common education, who acquire their worldly substance by the toil of their hands and the sweat of their brows, (although they may not have been raised at the feet of Gamaliel, nor descended from parents who rolled in wealth and splendor, who fared sumptuously every day, who could pass their children through the schools, academies, and colleges, and finish with a diploma marked with the insignia or initials of Bachelor of Arts, Doctor of Divinity, &c., inscribed with such flourishes as to suffocate a common countryman in any attempt to pronounce them,) yet, sir, these men know the value of the property they have acquired by their labor most accurately, and are at all times ready to place a proper estimate upon the value of property or the value of labor. Notwithstanding they might not be enabled to spell the word Congress without beginning with a K, they have a fund of common sense, acquired by the study of men and things, added to a close observance of the ordinary transactions of life, which never can be found in the books, nor yet in seminaries of education. These are the people to make prudent contracts for you. The Government, in this contract, made through the medium of the *literati*, has been vastly overreached. Yes, sir, a contract has been fastened down upon us, by which near half a million of dollars is now claimed for these books, although not one of them has issued from the press. One gentleman, who was a member of Congress at the passage of this law, has sold his interest in it for ten dollars, when, at the same time, it will cost the Government about three hundred to print and publish it; or, in other words, to pay the contractors for doing it. This is a description of economy which I hope the Lord will deliver us from shortly. It was said in argument by the gentleman from Massachussetts, (I always listen to that gentleman with pleasure,) that notwithstanding the wording of the contract might seem to limit the contractors to the documentary history of the Revolution, yet they might fairly incorporate matter going far antecedent to the time, by way of collecting materials, tracing the causes and effects which led to the Revolution; that Chief Justice Marshall, in writing the Life of Washington, wrote a whole volume which was entirely introductory to the main history of one man only; and that the publishers, in this instance might write many volumes, where a host of heroes were concerned, and in arranging the many incidents and transactions which happened antecedent to and led to the Revolution. If this doctrine be correct, the history might commence at magna charta, when the sturdy Englishmen took the sword in one hand and their honor in the other, and effected a revolution which gained strength from time to time, by the revolution of 1688, by the protection of rights, and in many other instances, but was never finally consummated until the glorious achievement of American independence. Such a course as this might enable the publishers to swell the work to five hundred volumes instead of twenty, and by this process bankrupt the Treasury.

It has been strongly insisted by the gentlemen from Massachusetts, Rhode Island, and Georgia, that this contract cannot be rescinded; that, like the laws of the Medes and Persians, it altereth not; that it would be a stain upon the honor of the Government to rescind it. And the gentleman from Massachusetts alleges that, in this case, if it were five millions, he would not hesitate to fulfil the contract, any more than if it were for five dollars; that one of the gentlemen to whom this contract was given was long a clerk in this House, was a clerk at the time, and that he is advantageously known as a gentleman. Be it so; I know nothing of the gentleman; I have never seen him, to my knowledge, and, consequently, have neither partialities for nor prejudices against him.

But this much I do know, from some little experience I have had in legislative bodies, that sometimes these clerks become very popular amongst the members; they pass to and fro amongst them, and render many little services. Sometimes, in a convenient ante-room, there may be some cool, wholesome water to drink; and the members are invited in. The conclusion is, that this clerk is a very clever fellow; and by these and other little attentions the clerk gets the contract, the members the books, and Uncle Sam is taxed with the costs: so ends the farce. I do not know that any such things happened here, for, as Anthony said, I suppose they were all honorable men; I therefore will vote to rescind this contract. I am told that the materials for the first and second volumes are collected, digested, and arranged. I am perfectly willing to pay for them, and stop. If the undertakers shall suffer any damages by the reason of the contract being rescinded, I am willing to vote them a liberal compensation for the time, trouble, and expense, they have spent or incurred. This, between nation and nation, individual and individual, is the law all over the world. A man may refuse to complete his contract, and conclude to pay the damages incident thereupon. It is frequent in all nations. I will call one instance to the recollection of the gentleman

from Massachusetts, which perhaps may change his opinion in regard to any dishonor being attached to the Government, if this contract is suspended in its further progress. If I remember rightly, the treaty made with France, during the American Revolution, bound this Government in an offensive and defensive treaty with France, to defend that Government with men, money, &c., against all the enemies of France. Afterwards, in General Washington's time, when John Adams was a member of the Government, France called upon this Government to fulfil her contracts, and aid her in the war she then waged—the most solemn of any contract that could be entered into by mankind, and by which our independence was secured, existed in this treaty. Did General Washington and his cabinet think it was dishonorable to decline fulfilling it? France complained as loudly then as the gentleman from Massachusetts does now about a breach of faith, of dishonor, and what not; but General Washington, John Adams, and the great men of those times, who were associated in the cabinet, absolutely refused to fulfil the treaty; and if the gentleman from Massachusetts considers that this was dishonorable, I hope it will not be put in this book, that is about to be pressed upon us and the world in the present case. But I am told by the honorable members of this House that these undertakers represented that the work could be done for one fourth of what is now demanded. If so, there was a fraudulent representation by them, for which the contract ought to be set aside; and, by paying them a reasonable remuneration for damage or loss, there is neither dishonor nor injustice. Two or three hundred thousand dollars or more may be saved to the Government by it, and injury inflicted upon none. If a nation refuses to comply with a treaty, nothing more than reasonable indemnity is expected or demanded: these undertakings stand upon no better ground.

The amendment of Mr. CARTER was then rejected without a count.

The question recurred on concurring with the Committee of the Whole in their report, being to strike out the clause; and it was further debated by Mr. PATTON, (who objected to the appropriation at this time on the ground that it was an advance to the parties before the completion of the work for which it is appropriated,) Mr. THOMPSON of South Carolina, Mr. CAVE JOHNSON, and Mr. TOUCEY.

Mr. TOUCEY then offered a proviso to the following effect: "*Provided*, The same shall not be disbursed before the delivery of the first volume of such work, nor if such volume shall contain any documents anterior to the restrictive measures, or any unimportant documents which, in the opinion of the Secretary of State, ought not to be inserted therein; nor unless, in the opinion of that officer, such volume shall not be in strict conformity with the contract; which was rejected.

The question was then taken on concurrring with the Committee of the Whole, and it was decided in the negative: Yeas 85, nays 93.

So the clause was not stricken out.

Mr. CAMBRELENG moved a reduction of $1,000 in the clause appropriating the salaries of officers, &c., of Wisconsin Territory, pursuant to the provision of the bill passed by the two Houses for establishing the Government of said Territory; which was agreed to.

TERRITORIAL GOVERNMENT OF WISCONSIN.

[Mr. Patton, from the committee of conference on the part of the House on the disagreement of the two Houses on the bill to establish the Territorial Government of Wisconsin, made a report that the joint committee had agreed to recommend that the Senate recede from their disagreement. The bill in question was a Senate bill, amended by the House in reducing the salary of the Governor from $3,500 to $2,500, to which the Senate disagreed, and the House insisting, a conference was asked, and Mr. P., the chairman, made the foregoing report. During the proceedings of the day, the bill was returned from the Senate to the House, accompanied by a message stating that they had receded from their disagreement.]

The House then adjourned.

Tuesday, April 19.

DEPOSITE BANKS.

Mr. WISE asked the House to resume the consideration of the resolution submitted heretofore by his colleague, [Mr. Dromgoole] He wished to have an opportunity to conclude his remarks on that subject, and to reply to a scurrilous attack made upon him in the newspapers. He should detain the House but a little time; but what he had to say he wished to say now.

Mr. DROMGOOLE added his request to that of his colleague.

By general consent, the House then proceeded to consider the following resolution, heretofore submitted by Mr. Dromgoole.

Resolved, That the Secretary of the Treasury be directed to communicate to this House full information of the mode and manner of selecting banks in the several States or Territories for the deposite of the public money of the United States; of all contracts, agreements, or stipulations, entered into with said banks for the safe keeping of said moneys; that the Secretary of the Treasury also state what agents have been employed, the nature and extent of their agency, and the compensation which such agents have received in any way from the Government of the United States; and that he also state what officers or agents on the part of said banks have in any way participated or been instrumental in the formation of any such contracts, agreements, or stipulations, concerning the deposite and safe keeping of said moneys in said banks.

The question being on the motion of Mr. Wise to amend the resolution by striking out all after the word "Resolved," and inserting the following:

That a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposite for the public money; the contracts with the Treasury Department, by which they are regulated; the manner in which, and the persons by whom, such contracts are or have been made; into all correspondence whatsoever touching contracts for the deposite of the public money; and into all connexion or relation, official or unofficial, which exists, or has existed, between any person or persons and the Treasury Department, or between them and the deposite banks, or any individuals or banks, touching the custody and the control and deposite of the public money; or between any department of the Executive, and any individual or individuals or banks, touching the disbursements of the public money, appropriated or unappropriated by law; and into the amount of compensation of any or all agents whatsoever, official or unofficial, connected with the said Department or said banks, touching the disbursement, safe keeping, or deposite, of the public money; and that said committee have leave to report by bill or otherwise.

Mr. WISE resumed and concluded his remarks in support of his motion, as given in extenso heretofore.

When Mr. Wise had concluded, Mr. Peyton and Mr. Dromgoole both rising nearly at the same time, the Speaker gave the floor to Mr. PEYTON, who addressed the House as follows:

Mr. Speaker: Courtesy to the gentleman from Virginia, the mover of the resolution, would seem to re-

quire that I should yield the floor to him. Under ordinary circumstances I would have no hesitation in doing so. Much is due to courtesy between members. But grateful to my feelings as it certainly would be, to yield to its suggestions, I yet set a higher value upon the freedom of discussion in this hall. Highly as I regard courtesy, I yet love liberty more. What little I have to say on this subject I know full well must be said now or never. I have witnessed of late too many public executions here. I have seen too many strokes of that guillotine of the party, the previous question, not to know and feel that it is, at this moment, suspended over my head.

Sir, a question of more vital importance than the present, involving, as it does, the integrity of public functionaries, and the safety of the entire treasure of the country, has never been presented to this House, or to this nation. When went there by a time, since the first dawn of civilization, that such charges were made against public officers, and supported by such pregnant circumstances of guilt, without the existence, ay, sir, and the exercise, of the power to bring them to trial, or at least to investigate their conduct? When, on a recent occasion in the British Parliament, the reputation of Mr. O'Connell was assailed, he demanded an investigation into the charges against him, by a committee of the House of Commons. He asked for "a fair field and no favor." He requested but three days for preparation; and even for desiring this delay, he received from Lord Stanley a severe and pointed rebuke; he was told that an honorable man, when assailed, should not desire one hour's delay, but should be ready, at all times, to submit his conduct to the strictest scrutiny.

The wise and virtuous Cato was required to render a full account of all the moneys which he had collected at Cyprus, notwithstanding his books and accounts were involved in the conflagration of the vessel in which they embarked for Rome. Pompey the Great, when charged, in connexion with Cæsar, with embezzling the public treasure, was compelled to fly from Rome, and to seek refuge in the camp of his imputed partner in guilt in the remote province of Gaul. Even Verres, the tyrant of Sicily, the plunderer of that beautiful but devoted island, who, in the mere wantonness of lawless power, could strip and scourge a Roman citizen, bind him on the brazen horse, yea, sir, nail him to a cross erected on the shores of the sea, in sight of the coast of Italy, in the sight of Rome, (that land of privilege and exemption from illegal punishment,) even this cruel tyrant, in the plenitude of his power, could not resist the clamors of one man, who, in the streets of Syracuse, charged him with embezzling the public money. Apronius, a man of infamous life and character, was his principal instrument in extorting from the poor husbandmen of Sicily the hard earnings of their honest industry. This unprincipled tool, when reproached with the cruelty of his exactions, scrupled not to say that the chief share of its proceeds went into the private coffers of the Prætor.

Well, sir, it appears that even Verres, powerful and unprincipled as he was, was constrained to submit his conduct to investigation. And, sir, can you, dare you, refuse to do that, when called for by a representative of the American people, which this tyrant was forced to accord to the demands of an obscure citizen of Syracuse? Verres appointed the judges. And whom did he select? His physician, his soothsayer, and his crier! And, sir, can you not give us for judges your physician, your soothsayer, and your crier? His accuser insisted that the trial should take place before the magistrates of Syracuse, or be referred to the tribunals of Rome. We, too, would prefer to have Romans on this committee. But Verres declared that he would not trust a cause which involved his reputation to any but his friends. Will you be more careful of Whitney's reputation than Verres was of his? Can we not even get a committee, composed, as we know it will be, of a majority of his friends?

Verres used to boast that he had money enough, the proceeds of his lawless exactions, to screen him from any impeachment. The amount of those exactions may be conceived of from the fact that one of his clerks realized, by commissions alone, ten thousand pounds in one year. What the commissions of Whitney may be we can only conjecture. That, as well as the nature of his connexion generally with the deposite banks, is the information sought for by my friend from Virginia. Will it be, can it be, refused? If it be, then, indeed, are the words of the poet verified, when he said:

> "Plate sin with gold,
> And the strong lance of justice hurtless breaks;
> Arm it in rags, a pigmy straw doth pierce it."

Sir, when avarice assumed the place of honorable ambition, it was more fatally ominous of the decline of Roman liberty than the flight of birds or the responses of oracles. The prevalence of this sordid spirit enabled Verres to increase his wealth and augment his power, by the open and shameless sale of offices. Yes, sir, the public offices, no matter how previously disposed of, whether by lot or the free suffrages of the people, were arbitrarily sold by him, to his own creatures, for base lucre! Even the priesthood of Jupiter, the most sacred and honorable of all, was impiously made the object of bargain and sale! The people remonstrated against it as a sacrilegious violation, alike, of their laws and of their religion. The law required that tickets, corresponding to the number of candidates, should be deposited in an urn, and that he whose name was first drawn should be the priest. Verres, complying with the letter of the law, caused the name of his favorite to be written on each ticket, although there were two other candidates, and thereby secured his election. Sir, a striking analogy, drawn from our recent history, occurs to my mind. In the Baltimore convention, how many names were written on the tickets, and put into the box, for the highest office known to the American people?

But, sir, to proceed with the parallel which I have been drawing. When Sicily, as with one voice, implored the young Tully, then comparatively obscure and undistinguished, to undertake the prosecution of Verres, impelled by a sense of duty and love of justice, he yielded to their solicitations. But, unexpectedly, there sprang up a competition for the prosecution, in the person of one Cæcilius, a friend and former subordinate of that scourge of Sicily. Cicero, however, shook him off easily, alleging that the prosecutor in such a cause should be chosen, not self-constituted—"one whom the people desired, and the criminal dreaded." Sir, I ask the gentleman from Virginia (Mr. D.) by what right, with what propriety, can he interpose between the accused, his political friend, and his colleague, [Mr. WISE,] "whom the country desires, and the criminal dreads," as prosecutor? I do not impeach the motives of that honorable gentleman. I do not charge him with attempting, like Cæcilius, to get the cause into his own hands, that he may betray it. I hope, sir, nay, I know, that he stands far above such an imputation. But why should he throw obstacles in the way of his colleague, and attempt to supplant him in the prosecution of this inquiry?

Sir, my friend from Virginia should not be discouraged, but rather stimulated, by these difficulties. In undertaking the cause against Verres, the young Roman had to contend against the influence of the Scipios and the Metelli, the most powerful families of Rome, and to encounter Hortensius, at that time unrivalled as an orator, and universally regarded as king of the forum. In Sicily, whither he went to procure testimony, and prepare his cause for trial, he saw the gilt statue of

Verres standing before him in the Senate chamber of Syracuse. He received the most marked indignities from the Prætor Metellus, who employed all the power of his station in obstructing his inquiries. At Messina, the repository of the plunder of Verres, he was even exposed to personal danger, and received from the creatures of the plunderer such indignities as had never before been offered to a Roman citizen when abroad in the public service. Yet, when he produced the evidence which he had collected, Hortensius abandoned his client in despair, and Verres went into voluntary exile. Such was the fate awarded in Rome, even in the days of its declining liberty, to the plunderer of his country's treasure, though sought to be upheld by the high in rank and place. For a time the young Tully was denounced and calumniated. But his country did him eventual justice; and his name has been handed down to posterity, associated with all that is ennobling in patriotism, and all that is resistless in eloquence. Sir, in aftertimes, when the petty passions and interests of the present shall exist no longer, and passing events live only on the pages of history, the same honors will be bestowed on the memory of my friend from Virginia. Posterity will regard him as one "whom neither money could corrupt, nor power terrify."

But what, sir, does the resolution before us propose? Nothing, absolutely nothing. Nothing more than what we already know. Nothing but what has already been communicated to this House by the head of the Department. The Secretary tells us, through the Globe, (for it speaks by authority,) that he wishes the investigation to be made in the precise mode proposed by the gentleman from Virginia. He further informs us, through the same medium, that, if desired, he will send us a copy of the former answer! Where is the necessity of a copy? Why not turn to the original? Sir, what a mockery is this! Shall we, the representatives of the people, so far abase ourselves, and degrade our constituents, as to prosecute such an inquiry in the manner prescribed to us by the accused? Apply to them to furnish, at their discretion, upon honor, and not upon oath, such evidences of guilt as they may have upon record? I put it to the gentleman, as a lawyer, (and he is an eminent one,) if this amounts to any thing; if it is not a wanton waste of the time of this House, a trifling with its dignity? An inquiry is proposed into imputed malversations of public agents, and we are gravely asked to call upon the agents themselves to furnish us official records of their guilt! Does any gentleman suppose that, if there be fraud or corruption, the evidences of it will be found among the archives of the Department? Sir, such an inquiry would be more than unavailing, worse than useless. Raise a committee, invest them with power to send for persons and papers, let the witnesses be examined upon oath, let the whole matter be fully and freely and searchingly investigated, and then we may expect that truth may be arrived at; that the evidences of guilt or innocence will be disclosed. Is there any thing unfair, objectionable, or oppressive, in this? My friend from Virginia proposes nothing more.

If the gentleman will examine the printed report of the Secretary of the Treasury, communicated to Congress at its last session, he will find that nothing, in relation to this matter, is known by that officer, or at least nothing disclosed. That source of information, I can assure the gentleman, will certainly fail. To test his sincerity, then, to show whether he is willing that a full investigation of this whole subject shall be gone into, I appeal to the gentleman to accept the resolution of his colleague, not as a substitute, but as an amendment of his own. If he will do this, I have nothing more to say. If, with the facts already before his eyes, he refuse, it will amount to a complete embargo upon the truth. Will he accept of the amendment? [Here Mr. P. paused for a reply; none being given, he proceeded.] The gentleman, then, declines accepting his colleague's resolution as an amendment of his own. He is unwilling that this matter should be investigated by a committee! Sir, what a spectacle is here presented! A member of this House, to which the constitution has confided the guardianship of the Treasury, suggests a probable mismanagement of the public funds. He proposes that a committee be appointed to inquire, where is the public treasure; to what uses applied? Is it in the hands of the secret agents, the corrupt tools, of one man, and that man a candidate for the presidency? And the proposition is refused! "Can this thing be, and overcome us like a summer's cloud, without our special wonder?"

Sir, it is a course like this that emboldens such men as Reuben M. Whitney. Backed, sustained, and supported, as he is, his impudence and effrontery are unparalleled. Not content with the impunity which the protection of his political friends secures to him—not content with the shield of the great Achilles, behind which his whole party are wont to ensconce themselves upon the least alarm—not content with denouncing, in the official organ, my friend from Virginia as the asserter of "a base falsehood," but, with the boldness of Catiline when he entered the Roman Senate, he has dared to come into the galleries, frowning defiance upon the Representatives of the American people.

Look, for a moment, at his power to enrich himself at the expense of others. He may make his appearance suddenly, like a privateer, and levy contributions upon any of the deposite banks at pleasure. The directory of such banks know that upon his breath is suspended the continuance of the public deposites. He has the power to say to them, "Pay me fifty or one hundred thousand dollars," as caprice or the amount of the sum in deposite may suggest. "Observe secrecy in regard to it; let not even the Secretary know it. It is 'a private affair' between ourselves. Your fortunes, credit, existence as a corporation, the subsistence even of your families, all depend upon my will." Under the influence of such a threat, which of the deposite banks dare refuse? And does not every gentleman know that R. M. Whitney possesses this power—a power more to be dreaded by those who fall under its withering influence than hostile fleets and armies—a power by which he can not only affect the commerce and currency of the country, raise or depress, at pleasure, the price of property throughout the land, but bring to bear upon men and communities the most odious system of rewards and punishments for political opinions, thereby annihilating all freedom of thought and action in relation to public affairs?

But it seems that this secret agent, following in the footsteeps of his master, is willing to have an investigation into his conduct, provided that he may dictate the terms, and prescribe its form and mode! He will graciously allow you to investigate his peculations on the Treasury, if you will connect with the inquiry an examination into the truth of a charge of perjury, heretofore brought against him, in relation to another transaction! Now, sir, whether or not the guilt of perjury rests upon his soul, is a question which does not necessarily come within the range of this inquiry; though we might very properly inquire into it, to present, in colors yet more glaring, his utter unfitness for the anomalous yet highly important agency with which he is now intrusted. But whence the necessity of such an investigation, when he admits that he swore falsely? It is true, he contends that it was innocently done. Well, sir, might we be far wrong in supposing that, of the millions which passed through his hands, some hundred thousand dollars may have innocently stuck to his fingers?

But this immaculate agent, it seems, is not to be approached! If you but touch him, the party, like the porcupine, with quills erect, are up in arms. They cry out that it is an attack upon the President—"the venerable President!" In order to expose the absurdity of this cry, I will relate an anecdote, and draw an illustration from it. A neighbor of mine, missing some of his corn every morning, fixed a steel-trap near the crack in his crib from which it was evidently taken. The next morning he discovered the thief standing with his arm fastened in the crib, an empty bag lying at his feet, and his pony tied to the fence! Now, sir, let us suppose the crib to be the Treasury, R. M. Whitney to be the thief, and my friend from Virginia the person who entrapped him. Says Whitney to my friend, "Oh, Lord! how you pinch the venerable President! Let go the President's hand!" "Well, but Reuben," replies my friend, "besides the evidence against you, to be drawn from your present awkward predicament—are not the bag and pony yours? Is not the mark upon the bag your mark, and the brand upon the pony your brand?" "True," rejoins Reuben, "but Biddle put them there; 'tis all a plot of Biddle's and the bank against General Jackson!" Sir what a farce is this to enact before the American people! What a miserable attempt to play upon their credulity! Will the country allow it? Will the people submit to it?

Sir, why fear this investigation? Why should Whitney be screened? A cloud rests upon his name; the guilt of perjury has been fastened upon him; and yet, without any known check, without any legal responsibility, he is employed in an agency implying the very highest possible trust and confidence. He knows that he has a powerful party to rally around him; that those who employ him dare not consent to a disclosure of the object of his employment. But will honorable gentlemen here connive at such practices? Why, sir, through means of this agency, Mr. Van Buren is gathering to himself the most formidable influence that ever existed in the person of one man. The wealth of Crœsus, and the military power of Pompey, were once brought to bear against the people of Rome, in their election of Chief Magistrate; and what was the consequence? Civil war and bloodshed! The magistrates corrupted, or dragged, wounded and bleeding, from the arena! The people hunted down and slaughtered like wild beasts!

Through the agency of Whitney and his compeers, Mr. Van Buren is now bringing to bear upon the American people a treasure more immense than ever filled the coffers of Crœsus, and a military influence more resistless than Pompey ever possessed, even when he returned the conqueror of Mithridates, and of the capital of Judea, loaded with the spoils of the east, and leading captive princes in his triumphal train. And yet the representatives of the people would have it be believed that there is no cause for suspicion, much less for examination by a committee!

Allow me to say, sir, and, in saying it, I mean nothing disrespectful to the gentleman from Virginia, that his attempt to take this matter out of the hands of his colleague is not sanctioned by propriety. It was commenced by his colleague, not a friend of the accused. But the gentleman from Virginia, politically, at least, is his friend. Besides, his resolution, as I have already shown, calls for nothing that is not already known, while the answer to it, contrary, doubtless, to the intentions of the mover, will be used to gull and deceive the American people. Moreover, sir, with all due deference to the gentleman's eminent abilities, I must be permitted to say that, from his comparative inexperience on this floor, he is not as well qualified as his colleague to conduct this investigation.

Before resuming my seat, I beg leave to add that, through the agency of the gentleman from Virginia, unintentional, no doubt, the action of this House has been postponed or evaded, on questions of vital interest to the American people. It was through his instrumentality that the executive patronage bill, and the joint resolution proposing an amendment to the constitution in relation to the election of President and Vice President, were sent to that dead sea of the House, the Committee of the Whole on the state of the Union, never again to be resuscitated. The gentleman, I am sure, did not intend it; but the effect of his motions has been to play into the hands of the party, who wish to avoid any action on those measures until the close of the presidential election.

One other suggestion before I have done. A strange anomaly is presented to us. At a time when we are without a national debt, and possess a surplus revenue of forty millions, we see gentlemen who profess to be the especial and exclusive disciples of Jefferson opposing every measure to carry out his doctrines. Economy in public expenditures, and the accountability of public agents, were cardinal features of his policy. He was for a repartition, likewise, of the surplus revenue among the States. And yet the Vandal democrats of the present day repudiate the one in practice, and denounce the other as tending to buy up and corrupt the States, and make them the humble and suppliant beneficiaries of the Federal Government. What, sir; buy up the States by returning what rightfully belongs to them? No; that is not the reason why your surplus revenue is not to be distributed. It is for the same reason that this investigation is refused; because it is in the hands of the party, who have used it heretofore, and will continue to use it for electioneering purposes.

Let us look upon this matter in the calm light of reason. A secret agent of the Government is charged with using the public money for corrupt purposes. Strong presumptive evidence is adduced in support of this charge. An investigation is proposed into his conduct, and that of others leagued with him. The accused flies; his friends conceal him. What is the inevitable inference? I know that there are many, I hope a majority, who have attached themselves to the party from principle. To them I appeal. I ask them as men, high-minded men, if they feel bound, by pledges made to their constituents, to become the instruments of concealing and protecting the plunderer of the public Treasury? If their duty prompts them to serve as the shield of a man charged with high crimes, and who, if innocent, would demand a trial, but who shrinks from investigation? Did innocence ever seek for safety in secrecy? No. She comes out boldly and openly, and courts, demands inquiry. "Men love darkness rather than light" only "when their deeds are evil." I will conclude with the expression of a hope, sir, that gentlemen from all sides of the House will, with one accord, vote for the appointment of a committee, with full power to send for persons and papers. The majority of that committee will be, doubtless, selected from the political friends of the accused. He cannot, then, fear injustice at their hands. If false clamors have been raised against him, let them be silenced forever. But if guilt be found to exist, let it be dragged forth into open day.

Mr. DROMGOOLE replied at length to the gentlemen from Virginia and Tennessee, [Messrs. WISE and PEYTON.] He expressed his surprise at the opposition this resolution had met with, as it was a mere ordinary resolution of inquiry, such as were almost daily presented, and agreed to without a question. The question was this: was the information called for in it desirable to be placed in the possession of the House? He maintained that it was absolutely essential for the action of the House upon the bill regulating the public deposites.

Mr. D. then contended that the information called for was full and ample; but that, if the response turned out to be unsatisfactory, his colleague might then extend the inquiry. He denied most unequivocally, in reply to his colleague, that the effect of this resolution would be to smother inquiry or to suppress the truth; and he repelled the idea that he had consulted the Secretary of the Treasury in draughting the resolution; but he was unwilling to condemn him, or any other officer, unheard, or without investigation. Again: he was not disposed to go into the private inquiry embraced in the amendment of his colleague. He could not consent that a resolution asking for information from the head of a Department should be supplanted by the appointment of an inquisitorial committee; founded, too, upon the assumption of guilt on the part of that officer. It would be prejudging the case, and no good could result from it. But Mr. B's resolution in no way embarrassed the proposition of his colleague, and the gentleman might continue to urge it as a distinct proposition, either before or after obtaining the required information. Mr. D. dwelt at length on the subject, and concluded by hoping the resolution he had submitted would be adopted; and that, as soon as practicable, they would act on the bill regulating the deposites of the public money in certain local banks; to do which the information called for by this resolution was essentially necessary.

After Mr. Dromgoole concluded,

Mr. PEYTON rose, he said, merely to add a few words, by way of making himself perfectly understood by the gentleman from Virginia, [Mr. Dromgoole.] He would regret that the honorable gentleman should leave his seat under the impression that he had cast the slightest shade of imputation on his motives. Far, very far, from it, Mr. Speaker. Nothing could be more conclusive as to the confiding innocency with which the honorable gentleman has acted than the resolution which he has submitted on this subject, by which he, in effect, says to the Secretary of the Treasury, "If you have recorded your crimes, if you have enrolled your infamy, in the Departments, do send it to us, if you please." This is the extent of his inquiry; no more. Why, sir, the gentleman is not only honest himself, but thinks all other men equally honest; and I must think the gentleman considers them a little silly into the bargain, to expect confidently, as he surely does, that they would record any thing leading to their own crimination, or communicate it, from honor, if they had done so. To the same cause--the same unsuspecting simplicity of mind--must be attributed the fatal motions which he made with regard to the executive patronage bill, and that for the amendment of the constitution in relation to the election of President and Vice President. Mr. Speaker, I am grieved thus to see an honest, credulous, confiding man, unversed in the ways of this wicked world, thrown into this House and this party, to be used, innocently and ignorantly used, for such purposes. But, sir, if any thing is wanting to establish the gentleman's claim to full and complete innocency in this whole transaction, it may be found in the fact that he attributed to me a disposition to throw obstacles in the way to the consideration of the bill regulating the deposites, when it is notorious that I offered a resolution fixing a day certain for the consideration of that bill. I have moved it—made a breakfast spell of it—every morning for six weeks! No, not every morning; about, upon an average, every other morning; as often as my modesty (for I have a great regard for modesty) would allow. Whereas the gentleman and his friends, "the party," have voted every morning against fixing any day; for, sir, I was willing that they should name the day for the consideration of the bill regulating the deposites. Yes, sir, these are the facts; and yet that gentleman honestly and innocently believes that I, and not he and his friends, have been endeavoring to thwart that measure. This is a case, a plain case, as much so as that of the Indian. His companion had been shot, climbing a tree, by a white man. They had an investigation of the matter, and the Indian asked the white man "why he shot his friend." "I took him for a bear," was the reply. Says the Indian, with a stern, inquiring look, "White man shoot an Indian up a tree, with red leggins on, for a bear?" "Yes." "Well, I'm done." I am done, sir.

Mr. CAMBRELENG here called for the orders of the day.

GENERAL APPROPRIATION BILL.

The House then proceeded to the consideration of the bill making appropriations for the civil and diplomatic expenses of the United States for the year 1836.

After some discussion, the House non-concurred in the amendment of the committee, inserting an item of $1,000 for the survey of town lots in Galena.

Mr. FULLER moved a reconsideration of the vote just taken.

Mr. RIPLEY spoke at some length in favor of the motion.

After a few remarks from Messrs. REYNOLDS and HARDIN, the motion was agreed to, and the amendment was concurred in.

The question next being on concurring in the amendment of the Committee of the Whole, inserting an item of $200,000 for the Boston custom-house,

Mr. UNDERWOOD moved to amend the clause by restricting the expense to the sum appropriated.

After some remarks from Messrs. UNDERWOOD, LAWRENCE, ADAMS, MERCER, and CAMBRELENG,

Mr. UNDERWOOD modified his motion, so as to limit the expense of the building and ground to the sum of $350,000.

The debate was continued by Messrs. REED, HARPER, SUTHERLAND, and MERCER.

The question was taken by yeas and nays, and determined in the negative: Yeas 82, nays 88.

The amendment of the Committee of the Whole was then concurred in.

Mr. A. H. SHEPPERD moved that the House adjourn: Lost, by a vote of 76 to 79.

The question being next on concurring with the Committee of the Whole in the amendment requiring the heads of the several Departments, and the Secretary of the Senate and Clerk of the House, to lay before Congress, annually, a statement of the expenditures of the previous year, of the various sums which have been appropriated by Congress for the contingent expenses of the various Departments and the two Houses of Congress, specifying the appropriation, and under it the expenditures, each article purchased, the price paid, and to whom the sums shall have been paid—

Mr. A. H. SHEPPERD made some remarks in favor of the amendment.

Mr. J. Y. MASON opposed the amendment, on the ground that the proposed work would cost more than all the other printing of Congress; and on the further ground that it was improper to attach provisions of this kind to an appropriation bill.

Without taking the question, on motion,

The House adjourned.

Wednesday, April 20.

Mr. WISE asked and obtained the consent of the House to make a statement relative to a paragraph which appeared in the Globe of yesterday on the subject of the proceedings of this House.

Mr. W. said it would be recollected that, on Monday last, a gentleman from Massachusetts [Mr. REED] moved the suspension of the rules in order to call the States for the presentation of such petitions as should not be objected to, nor provoke any discussion. The Globe of yesterday stated, editorially, that he (Mr. W.) objected to the presentation of a petition by the gentleman from Massachusetts. This, so far from being true, was a total perversion of the facts as they occurred. He did not object to that petition; and the reason that he objected to the presentation of a petition subsequently presented by the gentleman from Rhode Island was, that the previous objection had been made to the reception of the petition offered by the gentleman from Massachusetts, and that he considered the restriction in the resolution an abridgment of the right of petition.

He offered this explanation because the Globe attempted to connect its false statement with another falsehood, to wit, that there was an understanding between him and the gentleman from Vermont as to the presentation by that gentleman of his memorial against the admission of Arkansas. Any and all intimations, by whomsoever made, that he, or, so far as he knew, any of his friends, had any understanding, tacit or expressed, with any gentleman, here or elsewhere, with regard to the introduction of these memorials, were false, foully false. He knew not that the gentleman from Vermont had any memorial of this kind to present. He had opposed the presentation and reception of all abolition memorials, from the commencement of the session. He hoped that the Globe reporters would note these remarks, in order that the Globe might record the evidence of its baseness in its own columns.

ADJOURNMENT OF CONGRESS.

The joint resolution from the Senate, fixing a day for the adjournment of Congress, was taken up.

Mr. THOMAS presumed that gentleman were not now prepared to vote upon this resolution. He would, therefore, in order to reach other bills on the Speaker's table, move to lay the resolution on the table.

Mr. WHITTLESEY suggested that the proper course would be to postpone the resolution to some future day.

Mr. THOMAS replied that the resolution, if laid on the table, could be called up at any time; and a proposition to postpone would give rise to a debate which would occupy the entire morning hour.

Mr. WHITTLESEY asked for the yeas and nays on the motion to lay on the table; which were ordered, and were: Yeas 102, nays 74.

So the resolution was laid on the table.

OHIO AND MICHIGAN.

A bill from the Senate to establish the northern boundary line of the State of Ohio, and to provide for the admission of Michigan into the Union, upon the conditions therein expressed, was read twice.

The question being on the engrossment of the bill, Mr. MERCER moved that it be committed to a Committee of the Whole on the state of the Union.

Mr. THOMAS said he would not detain the House very long, to urge objections to this motion. Every member is doubtless prepared to vote, in the absence of all explanations. The subject-matter of this bill has been under consideration by the members of this House since the present session commenced. It has not been actually before the House for that period; but in the reports which have been made in the Senate and in this House, and in incidental discussion, nearly every member is familiar with all the questions touching the admission of Michigan into the Union. Nevertheless, he did not desire to prevent further discussion. The House can, if we refuse to the committee, hear discussion every morning from twelve until one o'clock. If the bill be committed, it will be out of the power of a majority of the House to proceed to its consideration until all the appropriation bills have been finally disposed of. Now, is it right and proper to put it in the power of a small minority of the House to postpone this bill until near the close of the session? We all know that the inhabitants on the territory over which Ohio and the authorities of Michigan each claim jurisdiction are in a most unenviable condition. They know not to what laws they are subject, and have been greatly harassed. The State of Ohio has a right to demand an early decision of this. The people of Michigan have also strong claims on our attention. They are entitled, through their representatives, to participate in our legislation; and he did hope that the House, without further delay, would proceed to act finally on a bill involving so many serious and grave questions.

Mr. MERCER advocated his motion, on the ground of its being the proper course which a bill of such a character required, and the only place where it could be fully discussed.

Mr. REED contended that the very principles of the Government demanded that they should go into Committee of the Whole on this bill; a bill affecting the rights and interests of every State in the Union. He expressed his great surprise at the opposition made to the reference by the gentleman from Maryland. Mr. R. was willing to receive Michigan into the Union, but he must have light on the subject; and he ventured to say that no preceding Congress had ever acted on a subject of this magnitude with such precipitancy as that desired by the gentleman from Maryland.

Mr. VINTON raised the point of order, that this bill could not be taken up till the other bill on the same subject, now on the Speaker's table, was first disposed of, which bill was also on its engrossment.

The CHAIR referred to the rules prescribing the order of business, and decided that the first business, on the House passing to the orders of the day, was bills on the Speaker's table on their first and second reading.

Mr. VINTON replied that, by a fair construction of that very rule, the first subject in order would be the other bill, of which no disposition had been made; and he therefore contended that that bill should have been first taken up. Mr. V. consequently appealed from the decision of the Chair, and after addressing the House for a few minutes, he gave way to

Mr. THOMAS, to make an explanation; and, pending this question of order,

Mr. CAMBRELENG called for the special orders of the day.

GENERAL APPROPRIATION BILL.

The House resumed the consideration of the bill making appropriations for the civil and diplomatic service for the year 1836.

The question was on concurring with the Committee of the Whole in the following amendment, (adopted on motion of Mr. CAVE JOHNSON:)

Sec. 2. *And be it further enacted*, That it shall be the duties of the Secretaries of State, of the Treasury, of the War, and Navy, Departments, and of the Postmaster General, and the Secretary of the Senate and Clerk of the House of Representatives, to lay before Congress, the first week in January in each year, a statement showing in detail the expenditures of the previous year, of the various sums which may have been appropriated by Congress for the contingent expenses of their respective Departments and the two Houses of Congress, specifying the appropriation, and under it the expenditures, each article purchased, the price paid, and to whom the same shall have been paid:

To which Mr. A. H. SHEPPERD moved the follow-

ing amendment: by inserting after the word "Departments," where it last occurs, the words "including the contingencies of foreign intercourse and missions abroad."

Mr. MASON, of Virginia, excepted to the whole amendment, on the ground of the great expense that would be incurred in printing the requirement of it, nor was he assured that any benefit would result from it.

Mr. CAVE JOHNSON contended that the expense would certainly not exceed more than from eight hundred to a thousand dollars, and advocated his amendment at some length.

Mr. EVERETT was in favor of both amendments, as he hoped to see the principles of the original proposition applied to all the contingent expenses of every department of the Government. At present there was no check upon these expenditures, but they were left entirely to the discretion of the heads of Departments. He was assured that the contemplated expense would hereafter save as many thousands.

Mr. MASON, of Virginia, entered into a calculation, to show that the cost would be much greater than the estimate of the gentleman from Tennessee; probably little, if at all, less than four thousand dollars. He thought, also, that it was better to leave the subject of the contingent expenditures to the committees of the House charged with them, and not cashier those committees. If the amendment should be agreed to, there would be less safeguards than at present; for very few of the two hundred and forty members would take the trouble to wade through such a voluminous mass of figures and tabular statements.

Mr. HARDIN thought the adoption of the proposition indispensable, to prevent any improper expenditure of the contingent appropriations; for the officers would be wary of the fund committed to their charge, when they knew every item of it was to be printed and laid on the tables of the House. Those who now wished to investigate this subject had no other way to do it than by going to all the several Departments and bureaus--a labor that would consume not less than two months, from day to day.

Mr. WILLIAMS, of North Carolina, was in favor of the amendment; for he contended the effect of it would be, so far from cashiering the committees, to cause them to do their duty with more vigilance. It was known, from experience, that scarcely any committee, whose duties required them to go frequently to the Departments, while they were required at the same time to attend the sessions of the House, did or could perform what was required of them as a committee. Besides, it was more consistent with the legislative character of the House, that the officers of the Departments should send their reports to the House, instead of the House sending their committees to them. So far from the proposition being an abolition of control, it was an extension of it, and the expense was inconsiderable.

Mr. BOND remarked that the Committees on the Contingent Expenditures were merely raised as a matter of form, and rarely ever did any thing. In fact, they sometimes never held a single meeting in the session; and therefore this proposition will be productive of great benefit.

Mr. HARPER also supported the amendment; for it would present a check to the expenditures of the Departments, where none now existed. The committees scarcely ever acted on the subject.

Mr. HAWES considered the amendment necessary. He had been for five years chairman of the Committee on the Expenditures of the Post Office, and during the whole of that time he never knew who the members of his committee were. He would be bound to say that the gentleman from North Carolina [Mr. Sheppard] was the first chairman of a Committee on the Expenditures that had ever even thought of calling them together. These committees were never expected to act. The amendment, then, was absolutely indispensable, and would present some check to the contingent expenditures. Mr. H. adverted to the extraordinary fact that, in a return from the War Department, the expenses of the West Point Academy were set down as amounting to little more than twenty thousand dollars per annum, while the House was called upon, from year to year, to appropriate upwards of one hundred and fifty thousand dollars for that institution.

Mr. A. H. SHEPPERD addressed the House for some time in support of this modification, and thought the amendment ought not to be adopted without it.

Mr. ADAMS was opposed to the modification to the amendment; for the most injurious results would be the inevitable consequence of publishing the contingent expenditures for foreign intercourse and missions abroad, a great portion of which must necessarily be of a secret nature. He was also opposed to it because it was inconsistent with the provisions of the existing law prescribing the duties of the President of the United States, and placing that fund at his disposal. He presumed that law was carried into effect; and if so, the amendment of the gentleman from North Carolina [Mr. Sheppard] was entirely unnecessary.

Mr. BOND again addressed the House a short time in support of the amendment.

Mr. WEBSTER said, as this was the last amendment of the Committee of the Whole, and as the debate on it seemed to be interminable, he demanded the previous question.

Mr. WILLIAMS, of North Carolina, moved a call of the House; which was ordered; and after proceeding with the call for a few names, on motion of

Mr. SPANGLER, the further proceedings of the call were dispensed with: Ayes 78, noes not counted.

The House then refused to second the call for the previous question: Ayes 57, noes 87.

The debate was then further continued by Messrs. EVERETT, MASON of Virginia, RENCHER, and McKAY.

Mr. McKAY suggested a modification of his colleague's amendment, by excepting such expenditures of the contingent expenses for foreign intercourse as were settled on certificate by the President of the United States; which

Mr. SHEPPERD accepted as a modification; and the amendment, as modified, was then agreed to.

Mr. CAVE JOHNSON then moved to amend his amendment, by inserting, after the word "Congress," the words "in lieu of the statement now required by law;" which was agreed to.

The question then recurred upon concurring with the Committee of the Whole in their proposed amendment, as amended, and the debate was further continued by Messrs. CAVE JOHNSON, MERCER, WHITTLESEY, CAMBRELENG, and TOUCEY.

Mr. BOON said that he had not risen to make a speech, but merely to say that it had become an every-day practice with certain gentlemen of a certain political party opposed to the present administration, to rise in their places on this floor, and charge this administration and its friends with acts of fraud and corruption in the broadest possible terms. The opposition, in politics, said Mr. B., have charged this administration with fraud and villany, and the friends of the administration have been charged with having manifested a disposition to stifle debate on this floor, and an inquiry into the abuses which have been charged upon this administration by the party in politics opposed to it. We have been told too, by the same party, that this administration and its friends have

given pledges which they do not intend to comply with. Mr. B. said that, for himself, no pledge whatever had been given that he would not comply with to the very letter. He said that he was in favor of a thorough investigation into the affairs of the Government; but he would never consent to or permit the opposition in politics to dictate a course for him to pursue in any matter whatever.

Mr. B. continued, by saying that we have heard much from the opposition about promised "retrenchment and reform" under the present administration, and have had thrown in our faces, by a set of political demagogues on this floor, the stale charge of fraud and corruption having been practised under this administration. Sir, said Mr. B., I repel the foul charge with indignation, and throw back the slander upon those who have thought fit to utter those false charges against this administration and its friends. Mr. B. here said that he would just mention a single case of fraud and corruption, by an officer of the Government under the late administration, as a full offset against all the false charges which have been made by the friends of that administration now in power. I allude, said Mr. B., to the defalcation of Tobias Watkins. Where, I ask, were those Treasury dogs and friends of the late administration, and now fault-finding gentry, when those enormous frauds upon the Treasury were committed by Tobias Watkins? Were those gentlemen, who are now in the daily habit of charging this administration with acts of fraud and corruption, as vigilant in searching out and exposing to public view the frauds and corruptions which occurred under the administration which immediately preceded the present administration? No, Mr. Speaker; these very same fault-finding gentlemen were then as silent as the grave on the subject of fraud and corruption! And it was not until the present administration came into power that the fraud committed by Tobias Watkins was ferreted out and exposed to public view by the vigilance and watchfulness of Amos Kendall. The party opposed to the present administration are in the daily habit of making charges, but they have proven nothing; whilst the frauds committed by Tobias Watkins under the late administration have been proven in a court of justice, and the confines of a public jail have been, in part, his reward. I hope, said Mr. B., that, with these facts and circumstances staring the opposition in the face, we shall hear no more about alleged frauds and corruptions under the present administration. Mr. Speaker, I will not detain the House longer by any additional remarks.

The question was then taken, and the amendment, as amended, was concurred in: Yeas 131, nays 57.

Mr. CAMBRELENG rose, he said, to make a suggestion to the gentlemen who had offered various amendments in Committee of the Whole: that as the Committee of Ways and Means had acted under the practice, he might almost say under the instructions, of the House, by excluding from this bill, as far as practicable, every appropriation not authorized by an existing act of Congress, he would therefore respectfully suggest to those gentlemen that there would be other opportunities presented, which would be more proper than the present, for offering their amendments, particularly on the light-house and other bills from the Committee on Commerce.

Mr. HANNEGAN said he rose neither for the purpose of offering an amendment nor of making a speech; but, believing the interest of the country in every quarter demanded the speedy action of Congress upon this bill, and that the country was at this time actually suffering under the present circumstances, he rose for the purpose of precluding any further unprofitable debate, and he therefore demanded the previous question.

The motion for the previous question was then seconded by the House, taken by tellers: Yeas 95, nays 64. And on ordering the main question to be put,

Mr. MERCER asked for the yeas and nays; which were ordered; and the result was: Yeas 104, nays 74.

So the House determined that the main question, which was on the engrossment of the bill, should be now put; and that question was then agreed to without a count.

The bill was then ordered to be engrossed for a third reading to-morrow.

The House then adjourned.

THURSDAY, APRIL 21.

ACCEPTANCE OF VOLUNTEERS.

Pursuant to order, the House went into Committee of the Whole on the state of the Union, (Mr. MUHLENBERG in the chair,) on the bill authorizing the President of the United States to accept the service of volunteers.

Mr. McKAY moved to amend the bill by restricting the power proposed to be conferred on the President to the same limitations provided by the act of 1795, namely, that volunteers should be received only in the event of invasion, insurrection, &c. In a time of profound peace, Mr. McK. thought this limitation necessary and proper.

Mr. R. M. JOHNSON had no objection to the proposed amendment. The committee did not desire to change any principle embraced in the act of 1795. The only new feature in the bill was to receive volunteers for twelve instead of three months, as now provided by law.

Mr. BOND inquired whether the bill was intended to meet any peculiar emergency, or whether it contemplated a general and permanent system.

Mr. JOHNSON rose and said: It is not my intention to detain the committee except for a very brief explanation of the object of the bill, for the measure which it proposes requires despatch. The letter of the Secretary of War, which I will here request the Clerk to read, shows the necessity of immediate action:

"WAR DEPARTMENT, *April* 18, 1836.

"SIR: In answer to your inquiry, I have the honor to state that various reports which have reached the Department lead to the belief that the Indians upon the Western frontier are in a state of considerable uneasiness, and that disturbances with them are anticipated. It is my impression the safety of that frontier requires that a road should be opened, and a cordon of posts established along it, in conformity with the plan recommended in my report to the chairman of the Military Committee of the Senate, and communicated in my letter to you of the 19th February; and I would further recommend that the necessary law should be passed as soon as convenient, in order that no unnecessary delay may take place in the arrangements of the Department.

"I have further to state, in conformity with your suggestion, that, in the event of any difficulties among the Indians, I consider the measure proposed by the Military Committee, of allowing volunteer corps to be taken into service for a term not exceeding twelve months, to be discharged as much sooner as the public interest will permit, very important, and one which, if adopted, cannot fail to be more efficient and economical than the present method of restricting the services of the militia to three months.

Very respectfully, your most obedient servant,

LEW. CASS.

Hon. R. M. JOHNSON,
Chairman Com. Mil. Affairs, H. R."

The bill now before the committee authorizes the President to accept the services of volunteers for a term not exceeding one year, but to be discharged at an earlier period if the public service will permit. The existing law authorizes the President to call out the militia

for a term not exceeding three months, for the object specified in the constitution, namely, to repel invasion, suppress insurrection, or to enforce the laws of the country. The bill before the committee provides that, in lieu of a requisition upon the militia indiscriminately, without consulting the will or convenience of those who may be called upon, he may accept of such as shall volunteer their service; and that, instead of being required to discharge them for new subsidies, he may continue them in service for a year, if the public safety should require that length of service. It does not authorize him to accept their service for any other object than that specified in the existing law and in the constitution; nor does it change the principle of the existing law in any other respect whatever.

The advantages both to the public service and to the civil community of volunteers over militia draughts are certainly very great and obvious. The militia laws contemplate no difference of circumstances or condition among citizens. The farmer may be compelled to leave his field at a moment in which the loss of one month would prove a sacrifice of the whole year's produce. It may be when he has prepared his land for seed, but before he has sowed or planted it; or it may be when his crop is ripening, and the whole may perish for want of gathering. The mechanic may be called from his work at a time when its neglect would ruin his whole business. Both may be called away when their families are in the most critical situation, and when the sacrifice would be greater than could be remunerated by any pecuniary consideration. But volunteers will proffer their services when no such sacrifices are required. They will be persons without dependent families, or whose affairs are in a state that will permit their absence without great inconvenience. The greater proportion of them will be young men, who are animated by the ardor of youth, impelled by the thirst of glory, urged by the fire of patriotism, and willing to learn the duties of the camp and the field, while indulging the novelties so grateful to youthful minds.

As it regards the public service, all experience shows that the man makes the best soldier who makes the field his choice. The universal character of Americans is that of bravery; but the same person, with all the love of country which is common to Americans, (and no country on earth ever presented such charms, or ever commanded such patriotism,) would be much more effective in war, when circumstances marked the field of glory as his choice, than when the state of his affairs at home, or the distresses of his dependent family, forced upon his mind a painful reluctance to do what, under other circumstances, would be a matter of choice.

The difference between a tour of three months, and a year's service, of the same persons, is so decidedly in favor of the latter, both in efficiency and economy, that it must forcibly strike the mind of every person, upon a moment's reflection. Persons in public service but three months will scarcely have learned the use of arms, the exercises of the field, and the discipline of the army, before their term will expire. Experience is as necessary to the efficiency of an army as to any other employment; and it is a fact as well established as any other principle in military annals, that troops disciplined and experienced are, in action, nearly equal to double their numbers of untutored noviciates, especially when to knowledge and experience is added the ardor of volition. Our Western frontier, on the extreme confines of Missouri and Arkansas, is at this moment threatened with Indian hostilities. While we are here deliberating, the tomahawk is preparing and the scalping-knife sharpening; and before the appearance of a sufficient force to subdue, by terror, the martial spirit of the savages, there is danger of the reaction of the Black Hawk and the Florida scenes in those Western regions. I am unwilling to cause an hour's delay; but if ordinary militia draughts are made, which cannot exceed three months, at least half that time must be occupied in going and returning, so that for three months' pay the country will not have more than six weeks' field and camp service. By the time they reach the scene of action, new levies must be made to relieve them, so that at least double the number of men must be in motion, and in pay, to keep the same number in the field; and these of new troops, instead of those who are accustomed to the service. The expense of outfits, whether incurred by the public or by individuals, is so much actual expense to the country, and this must be renewed as often as new levies are made; so that, in point of economy, there is a difference of more than one half in favor of volunteers for a year, as well as double the efficacy in their service.

The saving of life is also a desideratum worthy of notice. The loss by sickness and mortality brought on by the change of life, from the enjoyment of home to the privations and hardships incident to the camp, is believed to be greater than by the strife of battle; and this loss is principally among those who are commencing the service. After an experience of three months, men become habituated to the soldier's life, and generally enjoy as good health as in private life. We have a sufficient number of patriotic citizens in the morning and vigor of life, who are willing to indulge the patriotic ardor which they have derived from their revolutionary fathers, by the performance of this service; and surely no army is so virtuous and patriotic, no force so efficient, as volunteer citizens, after they have learned the duties of service. They never assume a mercenary character. They retain all the moral sentiments of citizens, expecting to return to civil life; and, in their return, they bring with them into civil life all the honorable and liberal sentiments of American soldiers.

The bill does not propose, as some gentlemen seem to suppose, giving to the President extraordinay power. The constitution gives him the power, as commander-in-chief, to call into service the militia for the same purposes contemplated in the bill. The existing law recognises this power, but it limits the service of the same persons to three months, when he may supersede them by others. The present bill provides that, instead of changing them, he may continue the same persons, by their own consent; and that, instead of draughts, he may receive such as volunteer their service. It is, in this respect, not only more numerical and efficient for the country, but more consonant to the feelings of freemen. To sustain a republican Government, some sacrifice of liberty must be made for its defence. It is a common duty to protect the country in the points specified in the constitution; and for this the free American must relinquish the liberty of remaining at home when his country's service calls him to the field; but it is wise to make that sacrifice as light as possible. This object will be accomplished by the passage of the bill before us, as it provides for the acceptance of volunteers in lieu of those who might otherwise be required to serve. As friends of liberty, then, we should unhesitatingly pass the bill. The cloud which is gathering in our Western horizon warns us to make immediate preparation for the approaching storm. Our unprotected citizens expect it, and the obligation rests on us. Nothing but a sense of the strongest obligation could have induced me to occupy the time for making this explanation of the object of the bill. The necessity of its immediate passage forbids further delay, and I earnestly desire the final action of the committee upon it before the present morning shall pass away. One day's procrastination may be productive of fatal disasters; and for the consequences we must bear the responsibility.

Mr. ASHLEY was in favor of the principles of the bill. He should, however, propose two addititional sections, authorizing the raising one more regiment of dragoons. If the bill, as reported, was not acceptable to the House, he would then move his proposition in lieu of the same. He was in favor of providing for the defence of the Western frontier, by an efficient force, which should be kept constantly in the service; and an additional regiment of dragoons, in his opinion, was preferable to any other force for the protection of that frontier.

Mr. EVERETT preferred the proposition of the gentleman from Missouri, [Mr. ASHLEY.] He was not, however, aware of any emergency which should induce them to give to the President the extraordinary powers contained in the bill. He should vote for the amendment of the gentlemen from North Carolina and Missouri, [Messrs. McKAY and ASHLEY,] but he should feel himself bound to vote against the bill.

Mr. JOHNSON, of Kentucky, urged the necessity and importance of the passage of the bill, with such modifications as might meet the views of all. The want of similar preparation had, besides the loss of life, cost the Government $2,000,000 in the Black Hawk war.

Mr. MANN, of New York, was in favor of the bill, under proper limitations. The bill gave the President extraordinary powers. The amendment of the gentleman from North Carolina he believed a very judicious one, and at a proper time he would move to limit the operation of the act to two years, and also to restrict the number of men to be called out to 5 or 10,000 men. If thus guarded, he would vote for the bill, mainly because it would supersede a bill before the Senate, which proposed a permanent increase of the army.

Mr. HARDIN was opposed to the bill, as reported from the Committee on Military Affairs, principally on account of the extraordinary power and patronage which it conferred on the President. Mr. H. was proceeding in his objections to the provisions of the bill, when, the hour of one having arrived, the committee rose, reported progress, and asked leave to sit again.

GENERAL APPROPRIATION BILL.

The House took up the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1836.

The question being on the final passage of the bill,

Mr. MERCER rose and moved to recommit the bill to the Committee of the Whole on the state of the Union, with instructions to reduce the appropriation for the custom-house at New York from $300,000 to $100,000, and providing that the total cost should not exceed $500,000; and, also, to add another section to the bill, enacting that, out of the nett proceeds of the sales of the public lands received in the years 1832, 1833, 1834, and 1835, there be appropriated the sum of $23,861,972, for the common use and benefit of the several States of the Union, to be apportioned among them according to their respective federal or representative numbers, and to be paid, in four equal quarterly instalments, to the treasurer or other proper officer of each State, respectively; the first instalment to be paid on the 1st of July next, and the others on the 1st of October, January, and April, following; with a provision that each of the seven new States should receive 10 per cent. in addition to their allotment.

Mr. MERCER supported his amendment at length, and entered into a series of statements and calculations to show how much of the whole would be received by the respective States. He was understood to say that he had made the apportionment by doubling the federal numbers of each State for the amount in dollars.

Mr. FRENCH inquired of the Chair if the amendment opened the whole merits of the subject for discussion.

The CHAIR replied that the discussion must be confined to the proposition before the House.

Mr. CAMBRELENG remarked that he was as anxious as any gentleman to discuss this whole subject, but he hoped the appropriation bill would not be delayed by a debate on a subject which would occupy weeks, or perhaps months. He would suggest, however, that when the army bill came up, it would present an opportunity to bring up the whole subject.

Mr. MERCER inquired what possible connexion had his proposition with appropriations for the army?

Mr. CAMRBELENG replied by referring to the proposed appropriations for the public defences of the country, which would open the whole discussion on the surplus revenue. He would merely remark that there was every probability that in 1838, '39, and '40, the public revenue would not exceed two thirds of the expenses of the Government.

Mr. FRENCH said it was not his object or wish to transgress the rules of order, but there were certain subjects upon which he desired to speak, if it were permissible under the rules of the House to do so; and, therefore, he had made the inquiry. He would, however, respect the decision of the Chair, and, on some future occasion, go at large into the subjects to which he alluded. Whilst up, however, he would take occasion to say, that during the last summer, and before he was honored with their confidence, many of his constituents understood from him most distinctly, and in a public manner, that he was in favor of distributing among the States the nett proceeds or surplus money arising from the sales of the public lands. His constituents were intelligent and patriotic, and knew as well as he did that the Congress was under paramount obligations, first to apply to all national objects as much of the public money as the public interest and service required. That being done, the balance of the nett proceeds of the public lands remained to be disposed of by Congress. He held himself incapable of deceiving his constituents; and every pledge made should be, on his part, honestly redeemed. They would not expect, however, much less require of him, in the discharge of his duties here, to depart from the established usages of legislation, and jeopard the passage of the bill under consideration, by an amendment which, if added to the bill, might and probably would defeat it.

He could not concur with the honorable gentleman in incorporating in this bill the amendment proposed. He did not pretend to a correct knowledge of the rules of this House, or what were or were not proper subjects to introduce as amendments to this bill; but he could see no necessary connexion between the subject embraced in the amendment and that contained in the bill; on the contrary, for reasons which were to his mind most obvious and convincing, he should be compelled to vote against the amendment.

What are the title, character, and object, of the bill under consideration? It is a bill making appropriations for the payment of the civil and diplomatic expenses of the Government for the year 1836. Its character is in unison with its object; and that is to provide for the payment of the President, Vice President, heads of Departments, clerks in the several Departments, judges of the Supreme Court, judges of the several federal district courts; in short, of all the civil officers of the United States, and of our diplomatic corps with foreign nations with which we maintain a friendly intercourse. This bill is one required by law to be passed, and Congress is bound to pass it. If it should be defeated, all those officers would be deprived of their pay, and the great interests of the nation consequently neglected, unless they would work for nothing.

He said there were other reasons, growing out of the

established order and usages of legislation, operating strongly against the proposed amendment. He alluded to the well-known arrangement by which different subjects of legislation are classified and embraced in their appropriate bills. The subject, for example, of your navy yards, belongs to your navy yard bill; the subject of the navy, to the navy bill; the subject of the army, to the army bill; the subject of fortifications, to the fortification bill; and the bill under consideration, having for its object the pay of the civil officers of the Government and foreign ministers, appropriately exhibits its own classification. Should the amendment therefore prevail, it would derange the order of business, break in upon the settled precedents of legislation, and, by its example, lead to the accumulation of all the great subjects of legislation into one general bill; a state of things the effects of which can be better imagined than described.

Sir, he asked, how would it look to see a proposition to distribute the nett proceeds of your public lands incorporated in your bill to arm and equip the navy of the United States, in your army bill, in your fortification bill? And is not the incongruity equally obvious in tacking it to your civil list bill? He, for one, thought so.

The subject of the distribution proposed in the amendment of the gentleman was of magnitude sufficient in itself to deserve and receive from the House a separate consideration. It should be disconnected from all other subjects, and undergo the most careful, impartial, and profound investigation. It had ever been so treated and considered, and he thought its importance commanded that respect for it at least. Why, then, depart from the usual course? He would submit to the honorable gentleman, whether the course he was pursuing did not put this highly important bill, especially if his amendment prevailed, to the hazard of becoming a law? And whether, if it failed, its defeat might not lead to an interregnum in the Government? He would also remind him that he was equally jeoparding the object of his amendment. He (Mr. F.) thought he could discover a state of things in the House evidently evincing the propriety of withdrawing the amendment, and appealed to the honorable gentleman to withdraw it.

A few days ago, he said, an honorable gentleman from Massachusetts [Mr. Grennell] asked leave to introduce a resolution, the object of which was to distribute the nett proceeds of the public lands, retaining to the new States within which they lie a certain per cent. in land or money. He (Mr. F.) was one of those who voted to let in that resolution, but it was refused by the House. If it had been received, the House would have had it in its power to have modified its terms so as to have made it acceptable to the House. He was disposed to give all subjects a free and full investigation, and therefore was willing for that resolution to come before the House.

He said there was a bill pending in another part of the Capitol, which, if it come to the House, would present the whole subject of distribution. The Kentucky resolutions, also, upon the same subject, were before the House, and had called forth discussion. Why not permit those resolutions to go to a committee with the instructions appended to them, by which the committee will be required to report a bill to the House, and for that bill to experience the ordinary course of legislation? For one, he was willing to refer them, with the instructions, and so bring up the subject. He was not disposed to exclude from the House any subject worthy of its consideration, and therefore should continue to vote for the admission, before the House, of the different schemes, in order that the best might be selected, and, if possible, made unexpectionable.

The honorable gentleman [Mr. Mercer] was pleased in his remarks to refer to the veto of the President upon the land bill heretofore passed, and to inform us that his amendment avoided all the objections made by the President to that bill. He (Mr. F.) would also allude to that veto, as another reason why this amendment ought not to be attached to this bill. Whether the President would or would not veto a land bill, passed in the shape of the amendment of the honorable gentleman, he did not know. He, in fact, knew nothing on that subject; and, but for the example set him by the gentleman himself, he would not have said a word about the veto.

If, however, the amendment should prevail, and the bill be vetoed because of the amendment, and Congress should adjourn without passing the bill, as was the case with the fortification bill at the close of the last session, upon whose shoulders, he asked, would the responsibility rest? Did not the country look to the majority as responsible for the necessary legislation called for by the public interests, and would not the blame rest, and justly, too, upon them? Ought not the majority, then, to exclude from important bills every thing endangering their passage, and especially a subject not within the legitimate range of the bill? He thought so. When he alluded to the majority, he meant no disrespect to the minority. He did not doubt their intelligence or patriotism, or that they were equally influenced by the high obligations which rested upon and stimulated the majority, but merely intended to say that the majority, and not the minority, would be held responsible for the loss of this bill, if it were lost: a loss infinitely more to be deplored, because infinitely more injurious to the country, than was that of the fortification bill. He was compelled, therefore, to vote against the amendment proposed.

In giving that vote, however, he must not be understood as opposed to the distribution of the money amongst the States, according to their federal numbers, or as evading his obligations to those by whom he was honored with a seat here. He would most cheerfully and unhesitatingly redeem those obligations whenever an occasion rose in the House in which it could be done consistently with the precedents and usages of parliamentary proceedings. He added, that it was to guard against all misconception in regard to the course he felt bound to pursue, and withal to show the impropriety of connecting with the bill under consideration the subject of distribution, contained in the amendment of the honorable gentleman, that he had been induced to trouble the House at all.

Mr. SPEIGHT said he could not say, as his friend from Kentucky [Mr. French] had said, that if this proposition were to come forward in a proper manner he would vote for it; for Mr. S. could not vote for it in any form, much less could he do so when it was attached to the civil list bill, which, if passed with such an amendment, as every gentleman knew, would jeopard its passage. Mr. S. said he looked upon the principle contained in this proposition as one of the most obnoxious ever presented to the American Congress; and, as it was a subject which had somewhat agitated the public mind in his State, he should, when it came up in due form, ask permission of the House to give his views on it. For the present he forbore, because he deemed it improper; and he therefore demanded the previous question.

Mr. G. LEE, of New York, moved a call of the House; which was negatived: Ayes 55, noes not counted.

The previous question was then seconded: Ayes 88, noes 64.

The CHAIR remarked, that if the House ordered the main question to be put, it would be on the passage of the bill.

Mr. MERCER. If the Chair so decide, I appeal from the decision. I contend that the main question will be on the commitment of the bill.

The CHAIR stated the question. The bill had been read the third time, and the question was on its passage. The gentleman from Virginia moved to recommit the bill with certain instructions. The previous question was moved and seconded; and there could be but one main question, and that would be on the passage of the bill. The previous question cut off all amendment, all debate. The only motions which could be entertained after the previous question was ordered, was to adjourn, or to lay on the table. The rule and the practice of the House were plain and explicit on this point.

Mr. MERCER remarked that the previous question had been seconded, but not ordered.

The CHAIR. The gentleman can then reserve his point until it is ascertained whether the previous question is sustained.

Mr. MERCER acquiesced in this course.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on the previous question; which were ordered, and were:

YEAS—Messrs. Anthony, Ash, Ashley, Bean, Boon, Bouldin, Bovee, Boyd, Buchanan, Bunch, Burns, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Fairfield, Farlin, Fowler, French, Fry, William K. Fuller, James Garland, Gillet, Glascock, Grantland, Haley, Hamer, Hannegan, Samuel S. Harrison, Hawes, Hawkins, Haynes, Howard, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, R. M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, May, McKeon, McKim, McLene, Montgomery, Morgan, Owens, Page, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Pettigrew, Phelps, John Reynolds, Ripley, Roane, Seymour, Shields, Shinn, Sickles, Smith, Speight, Standefer, Sutherland, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Webster--108.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Bell, Bond, John Calhoon, William B. Calhoun, Campbell, George Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Darlington, Deberry, Denny, Evans, Everett, Philo C. Fuller, Granger, Grayson, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Hiester, Hoar, Howell, Hunt, Ingersoll, William Jackson, Janes, Jenifer, Henry Johnson, Lane, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Samson Mason, Maury, McCarty, McComas, McKay, McKennan, Mercer, Milligan, Morris, James A. Pearce, Peyton, Phillips, Potts, Reed, Rencher, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Sloane, Spangler, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, Whittlesey, Lewis Williams--76.

So the House determined that the main question be now put, which the CHAIR stated would be on the passage of the bill.

Mr. MERCER then appealed from the decision of the Chair, and contended that the main question was on the commitment of the bill.

Mr. SPEIGHT made a few remarks in reply to Mr. MERCER, and in favor of the decision of the Chair, urging that the rules and the invariable practice of the House were against the ground assumed by the gentleman from Virginia.

Mr. MERCER then withdrew his appeal, stating that he was satisfied he was correct in his views on this subject.

The bill was then passed, and

The House adjourned.

FRIDAY APRIL 22.

ACCEPTANCE OF VOLUNTEERS.

Pursuant to order, the House went into Committee of the Whole on the state of the Union, (Mr. MUHLENBERG in the chair,) on the bill authorizing the President of the United States to accept the service of volunteers.

The question pending was the motion of

Mr. McKAY, to amend the bill by restricting the power proposed to be conferred on the President to the same limitations provided by the act of 1795, namely, that volunteers should be received only in the event of invasion, insurrection, &c.

Mr. HARDIN said a few words in favor of the amendment, and indicated his intention of offering a further amendment.

Mr. MERCER suggested a modification to the following purport: providing that the power vested in the President of the United States by this act should be exercised only in the cases enumerated in the eighth section of the constitution of the United States; that the numbers of the volunteers should not exceed five thousand rank and file; and that the act should continue in force for two years only from the end of the present session of Congress.

Mr. McKAY accepted this, as a modification of the amendment.

Mr. WILLIAMS, of North Carolina, was in favor of a restriction of the number to five thousand men. He understood the gentleman from Missouri to say that no more than one thousand men would be sufficient for the protection of the Missouri frontier.

Mr. ASHLEY explained that he desired an additional regiment to the force already employed there.

Mr. WILLIAMS resumed, and opposed the bill, on the ground that it was superseding the regular force; that no information had been laid before Congress, by which it was shown that so large an extra force was requisite for repelling the Indians; and that it was, to a certain extent, authorizing the formation of a new standing army. If he thought a general Indian war was to be apprehended, he would not only vote for ten thousand men, but for one hundred thousand if necessary. At present, however, he saw no occasion for so large a number as ten thousand, and he should vote for the bill only with the restriction of five thousand.

Mr. SEVIER was opposed to any restriction, and gave a brief description of the present position of the Western and Mexican frontiers, as proving the necessity of the immediate passage of the bill.

Mr. REYNOLDS said: I consider it my duty, occupying the station I do to the public, and knowing, as I believe I do, the intention and disposition of the Indians on the Northwestern frontier, to state to the committee that, judging from all the information I have received, the whole body of the Indians, with perhaps some exceptions, are not friendly disposed towards the United States. They are restless, and even some of them actually hostile to the Government.

I do not pretend to be more wise on this occasion than other persons who possess the same means of information; that I can relate it better, or that my relation of it will have any greater influence than if it proceeded from any other individual. But that such is the true disposition and feelings of the great mass of the Indians on the Northwestern frontier, I have little or no doubt.

It will be recollected by the committee that the Indians had been removed in great crowds and bodies to the West; the various tribes were located near each other, so that the Indian population may be considered as dense, and even crowding on each other, as well as on the white population of the frontiers. This crowded Indian population rendered their subsistence by hunting very pre-

carious and difficult. In many places the hunting is not good, and the Indians in fact suffer with hunger. This is one great reason, and a very reasonable reason, that they should be dissatisfied with their present situation and location, and cause them to be unfriendly to the Government.

One other reason is, that they are induced to leave a country where they have been comparatively happy. Before the whites came among them, they had the finest and fairest portion of the Union in their possession. The hunting and fishing supplied them with abundance of support, and the peltry which they sold enabled them to purchase various articles necessary to their comfort. They have now a sad reverse of fortune visited on them. They say, furthermore, that they have been compelled to leave the homes and bones of their fathers, and locate themselves in a country not of their own choice, and not adapted to their wants.

These Indians, living under this pressure of heavy burdens and miseries, have become almost desperate, and are disposed to commence hostilities without much hesitation. They do not know that it was the most wise and humane act of the Government, in order to preserve them from entire destruction and annihilation, to remove them from the white population.

It will be found to be true in principle and in practice, that two classes of human beings, whose habits, modes of living, and every thing, are so dissimilar as those of the Indians and whites, cannot exist together in peace and harmony.

It was the necessary and inevitable consequence of the advance of the white population to remove the Indians. This policy is just and proper, as well as humane, on the part of the Government. The cost of their removal, and the expense of a mounted force to preserve peace among them, are nothing in comparison to the duty the Government owes them, to preserve them, and render their situation as happy as the circumstances of the case will permit.

In order to keep them in check and subordination, it will be necessary to make a demonstration of military force among them. It is well known to this committee they know and care very little about the great force of the United States, as that force is at such great distance from them; and when the strength of the Government is told to them, they do not, in all cases, believe it. They (the Indians) therefore do not know the situation they are in, and will act under mistaken views of their situation, to their own ruin and destruction.

It is necessary to the peace, quiet, and happiness, of the Indians themselves, that they should be kept in proper subjection. It would not be proper to use any unnecessary degree of rigor towards these unfortunate human beings. Any cruelty imposed on them would be promptly resented by the American people and by this committee. Yet, on the other hand, it will not be good policy to permit them to believe they are on an equal standing with us as to strength and numbers. At any time, should they believe they have an equal chance in war with us, we will see our frontiers laid waste, and murder and massacre visited on all classes of our citizens within their reach. I assure this committee there is no good feeling in the breasts of the Indians towards us—we cannot expect it. Therefore, we must keep them in fear, or else we have a war with them.

During the Indian disturbance, in 1832, in the State of Illinois, I became acquainted with many of the officers of the American army. I witnessed their march and movements in the campaigns of that year. I saw that both officers and soldiers were efficient, and had reached that degree of perfection in the military art which an army in the situation of ours could attain. Yet, with all this perfection and efficiency in the regular mode of warfare, they are not formidable and efficient to an Indian enemy; they are in fact almost useless in struggle with the Indians.

The Northwestern frontier is generally an open prairie country, such that a regular infantry army cannot compel the Indians to come to battle. The Indians, with the greatest ease, can escape from the pursuit of such forces, and will not make an attack until they have clearly and decidedly the advantage. They are mostly mounted on ponies that are as manageable in a fight as the Indian warrior himself. They can, while on horseback, going faster than a full gallop, load and discharge their guns at their enemy; and even on foot they are much more expert than a soldier of the regular army.

The artillery, that are the common attendants of a regular army, are useless encumbrances in the pursuit of an Indian enemy in the Northwest. A cannon, which must of necessity be conveyed in a slow march with an army, may, in some rare cases, answer a good purpose against an Indian enemy; but it serves oftener for the laughter and ridicule of such an enemy than for his annoyance.

An efficient mounted force is alone competent and formidable to the Indians in the Northwest. We then meet them in their own manner; we are then on an equal standing with them; and in no other way can we act with them, so as to strike terror into them, and keep them in proper subjection.

I will support the amendment which the gentleman from Missouri [Mr. Ashley] intends to make, to raise another regiment of dragoons, equal in strength and in all respects to the regiment now in service. This regiment, or perhaps more than one, will be necessary to preserve peace and quiet between the Indians and whites on the frontiers.

If the committee will reflect on the extent of frontier to protect, it will be necessary to have one, at least, additional regiment of dragoons raised for this service. Our frontiers, with their Indian tribes, will extend from Detroit or Michilimackinac, around the settled parts of the United States, to the Gulf of Mexico; a distance of more than two thousand miles, by the windings of the settlements on the frontiers.

I would respectfully ask the committee if one regiment, no matter how efficient it would be, and even commanded by a Dodge, who is acknowledged by all to be an able and excellent officer, could guard and protect this frontier? They would not be able to make a demonstration of their force, without action, to all the Indians surrounding this extended border. It is quite out of the power of any one regiment of mounted men to secure the peace and quiet of the country on all this frontier. There is, in many sections of the frontier, dissatisfaction expressed by the Indians. In the territory south of the Wisconsin river the Winnebago Indians have returned to the lands they ceded to the United States, and agreed to abandon. Their return to the ceded country has given the citizens some uneasiness, which may terminate in bloodshed, if not prevented by an efficient mounted force stationed in the country. There may be other portions of the frontier in danger, to an equal degree.

If the committee are influenced by the dictates of that humanity which is so justifiably evinced for the Indians on many occasions, they will sustain this measure. This policy is as much for the protection of the Indian as white man. It is calculated to secure that peace and tranquillity between the Indians and whites which the Indians are disposed to break on all occasions when they can effect it with impunity.

They are ignorant and uninformed as to the strength of the United States. Not many of them have ever travelled over the several States; and they know little or nothing about the force and strength of the General

Government, except from rumor, which very often they do not believe for a moment. They have no means of correct information. They often hear contradictory statements of the strength and disposition of the United States towards them; and sometimes direct false statements are made to them, to deceive them, for some base purpose.

It will be readily perceived that it is not strange they know but little of the strength and power of the United States, and, of course, are not in fear of them. But when an efficient mounted force is exhibited to their senses, and in a situation to act efficiently and powerfully on them, if necessary, they then, and not before, know their situation and inferiority, and will remain quiet and peaceable accordingly.

Some gentlemen think it is of vast importance to limit the number of troops which the President is authorized to accept on the emergency of the occasion. It is not much difference what the provision contained in the bill is, as to the number of volunteers to be received by the President. The proper number would be always found in the West to answer all emergencies.

Mr. Chairman, you cannot keep back the brave sons of the West, whenever there is a necessity for their military services in defence of their country. There are no paper laws on this subject that will suppress the patriotism that burns in the breast of a Western man, when his country is invaded by an Indian or other foe. The cold and heartless calculation of dollars and cents is not indulged in when the savages are about to wreak their vengeance on the weak and defenceless part of the community. The nice and mathematical calculation as to the number of volunteers that is to be employed in the service is not indulged in when the country is overrun by an enemy whose mode of warfare is the murder and massacre of innocent women and children. On all such emergencies the Western people rise *en masse*, in numbers sufficient for the occasion, and never fail to chastise the enemy. This they do without a consultation with the President. The distance is generally so great from the seat of Government that a delay would be fatal. It is idle end ridiculous to witness the burning of houses and the murder of the citizens, and wait a month or more to receive orders from the President what to do. Is there any member of this committee that would quietly wait on such occasions, and count over the precise number of volunteers the President ought to accept in service? The nature of the transaction, the crisis, and emergency of the occasion, forbid the idea of delay. Delay, as I before said, would be fatal. Therefore, I consider that part of the bill that provides for the number of volunteers to be accepted by the President as almost nugatory.

The amendment that goes to raise an additional regiment of dragoons is important, and necessary for the defence and protection of the country. If something be not done on the subject, we may witness again, as we did in 1832 on the Western frontier, the massacre of women and children, and the war whoop of the savage, extended all along our border. One single regiment, properly stationed in Florida, might have prevented the Indian war in that country, and saved many lives and much treasure.

To prevent the calamities of an Indian war, and to preserve also the lives of the Indians, this bill, with the amendment proposed by the gentleman from Missouri, [Mr. ASHLEY,] and other preventive measures, ought immediately to be adopted.

Mr. CAMBRELENG remarked, that if the committee would reflect for a moment on the condition of the Western frontier, it struck him that they would retain the maximum of numbers in the bill. The condition of the Mexican frontier had been adverted to; and he did not think that gentlemen could look at that condition, as developed from documents and advices received within the last few days, without coming to the conclusion that the Government of the United States were slumbering at their post. The Mexican army were at this time approaching our frontier; and what must be the inevitable consequences if they did? Why, there were ten thousand chances to one that there would be a general war by the Indians upon the whole of that frontier, the moment the Texans were driven to our borders, as he firmly believed they would be. The Mexican army was well appointed, much more numerous and much more effective than they were generally described; and we must not rely, too confidently rely, upon the valor and bravery of the Texans, for numbers preponderated too much against them.

It should also be borne in mind that the Mexican army were veterans in the service, having been more or less engaged in actual warfare for the last twenty years; and, moreover, that many of them were mountaineers, and had been accustomed to the highways. He was satisfied that both the force and prowess of the Mexican army had been greatly underrated. With the contest going on there we had nothing to do; but we had much to do with our frontier, and therefore ought to take efficient measures for its protection. He was willing to devote the whole of this day to the consideration of this bill; and he hoped the maximum of numbers would be retained.

Mr. CALHOON, of Kentucky, said: Mr. Speaker, I entirely concur with the gentleman from New York, [Mr. CAMBRELENG,] in the necessity of strengthening our military force on the Western frontier; for himself, he should vote for an increase of our force in that quarter, as well on account of the danger which we had a right to apprehend of a rupture with the Indians, as from the events which are occurring in the province of Texas. Sir, said Mr. C., if our information does not deceive us, a most bloody war is waging on our borders, between the Texans and Mexicans—a war which, for its cruelty on the part of the Mexicans, is without an example in the history of savage nations—a war in which the Mexican general sets at defiance all the rules of civilized warfare. Shall we not prepare to see, at least, that the bloody flag shall halt at our border?

Mr. C. said he did not desire to embarrass the administration, in regard to the delicate relations between this country and Mexico, by any hasty movement of his; nor would he, on the present occasion, inquire how far it might be the duty of this Government to compel the Mexicans, in this contest, to observe the rules of civilized warfare. He wished to say to the administration, that in such an effort they should have his cordial support.

Mr. MASON, of Virginia, did not understand that this bill, in any way, proposed to enlarge the power of the President of the United States, but merely authorized him to relieve the States, by accepting, in lieu of the force to be furnished by them, the services of volunteers. It was acknowledged that the service to be required was one of a nature far beyond the efficiency of the ordinary militia; and on this ground, therefore, he should vote for the bill. There was no doubt that the relations of the Government of the United States, and the interests of the people of the United States, had assumed, in that quarter of our country, an important aspect; but he should not give his support to this bill from any apprehension that the territory of the United States was to be invaded, nor from any apprehension that the ruthless and cruel tyrant of Mexico was to unfold the bloody flag in our atmosphere. He had no such apprehensions. It was, however, undoubtedly the duty of the Government of the United States to look to the security of its citizens in that quarter, and to that of the settlers near the In-

dians who had gone west of the Mississippi. They had a right to look to the Government for protection, to call upon it to use the strong arm of power, when necessary, to protect them from the wanton aggressions of savages, who, experience has taught us, could neither be civilized nor restrained but by a powerful force. The very circumstance of so many Indians being thrown together, their known disposition to violence and war, always seeking occasion of hostility without adequate cause, and other circumstances he need not particularly advert to then, justified an apprehension, rather than anticipation, that aggressions may be committed, and cause of war might arise. The object of this bill was to organize an efficient force, which would act as a protection to our Western frontier, and be more effective than any militia force that could be brought out. He therefore sincerely trusted that the bill would pass, but he hoped they would not involve in its consideration any of those extremely delicate questions connected with our foreign affairs. They owed obligations under the stipulations of solemn treaties; and, in conformity with the long-established usage of this Government, he hoped they would be maintained, on their part, with sacred and inviolable fidelity. He hoped that they would not permit themselves to be led away by their feelings or sympathies to take any step which might, in any way, interfere with the obligations of those treaties.

Mr. THOMPSON, of South Carolina, said there could not be any man on that floor more opposed than he was to any strengthening of the military arm of the Government, beyond what was absolutely necessary. He did regard the provisions of this bill, with certain modifications, as demanded for the protection of our frontier. Perhaps he was over sensitive on the subject of increase of military power. But as this force can only be necessary in case of Indian hostilities, he thought five thousand men enough, and six months time enough, to terminate any Indian war. He should therefore move these amendments, and another to restrict the provisions of the bill to cases of Indian hostilities.

As to the idea of suppressing insurrection, and the levy of ten thousand men for twelve months for such a purpose, it was nothing less than preposterous. Coming from that region where it was supposed insurrections were most likely to occur, he begged to assure the committee that no such aid was needed. He had read of an ancient people, he believed the Scythians, who, upon a general revolt of their slaves, went out to meet them with no other weapons than their whips; at sight of which, the slaves all fled or surrendered. The people of the slave States need no other aid or weapons; and as to the danger suggested from another quarter, the unfurling upon our frontier of the bloody flag of Santa Anna, there was just as much danger and no more than there was of the descent upon our coast of Admiral Mackau's fleet. That vile miscreant, Santa Anna, regardless as he is of all the laws of nature, of nations, and of civilized war, is not quite so regardless of his own neck as to set his foot upon our free soil, as yet unpolluted by the tread of such a monster. Would to God he would. Mr. T. would freely forgive him for all his cold-blooded and merciless atrocity at St. Antonio, if he would do that or any thing else which would furnish us a fair pretext not only to avenge our slaughtered countrymen, but to vindicate the usages of civilized warfare, by the punishment of him who has been guilty of the most signal instance in modern times of their violation. Having no apprehensions but of Indian war, he would only legislate for that particular case. He thought five thousand men, and six months, quite as much of force and of time as was necessary to terminate any Indian war.

Mr. T. meant not the slightest disparagement to the distinguished officers who have had command in Florida. Their past lives were a guarantee that they had done all that they could do. But they have certainly not gained any fresh laurels there. Mr. T. did not think regular officers and their infantry soldiers exactly the troops to fight Indians. They were superior to other troops in science, strategy, tactics, marching, wheeling, and facing; but of what value were all these in fighting Indians? Of no more than in a squirrel hunt. In horsemanship and the use of the rifle they are necessarily deficient. The troops proper for such wars are those which this bill proposes; good marksmen, well mounted. Mr. T. read an extract from the report of the Secretary of War, expressing apprehension of hostile movements by the Northwestern Indians, and the opinion that it was necessary to increase the military force there. This was the opinion of one occupying a position which gave him better means of viewing the whole ground than any other individual or dozen individuals could have. A man, too, thoroughly conversant with Indian character, and a gentleman, he took pleasure in adding, of liberal, just, and enlarged views. He would not, upon the opinion of the officer referred to by one gentleman, highly deserving as that officer might be, nor of any other individual officer, that there was no danger, take the responsibility of slighting the admonition of the Secretary, or of leaving any thing undone to protect our frontiers.

One word in reply to the gentleman from New York, [Mr. MANN,] who had been pleased very gratuitously to say that the people of Florida were no doubt as brave and chivalrous as any people in the world, always excepting the constituents of two or three of the gentlemen from South Carolina. Mr. T. was not conscious of having merited this sneer; he had not, on that or any other occasion, said one word about the courage or chivalry of his State. He agreed fully with the gentleman from New York, [Mr. VANDERPOEL,] that there was a State egotism as unbecoming as any other; and if there was any one species of egotism more despicable than another, it was the vaunting of courage. If Fort Moultrie, Eutaw, Cowpens, King's Mountain, as many victorious revolutionary battle-fields as are to be found in all the rest of our country put together, do not attest the true character of the State, nothing that he could say would. But he was sure that no one will ever hereafter be so superfluous as to talk of Carolina chivalry. That matter is now all settled.

The gentleman from New York says that they are a chivalrous people. Who dare doubt it hereafter? I will only add, sir, that if it were a question of drilling party troops, of instructing how a collar can be worn with most ease, grace, and profit, or a question of pet banks, or how a given quantity of public money may be used so as to corrupt the greatest number of votes, that there could be no authority higher than the gentleman's. But chivalry brings up at once ideas of honor, disinterestedness, courtesy, and all accomplishment. Mr. T. thought that chivalry is somewhat out of that gentleman's line of business, and he would recommend to him the good old adage "*ne sutor ultra crepidam.*" [Mr. MANN said he had not intended a sarcasm on South Carolina.] Mr. T. replied, the gentleman says he did not intend a sarcasm. Very well, sir. Then he meant a compliment; a compliment by which the State is like to be as little benefited as it would have been disparaged by the sarcasm.

Mr. CAMBRELENG explained. He did not say there was any fear of an invasion by a Mexican army: what he said was, that the Mexicans might reach our frontier, and that circumstance might be the cause of stirring up the Indians to hostilities against the United States.

Mr. HARRISON spoke as follows:

It is, said Mr. H., the part of wisdom to accommodate our condition to the circumstances which surround us. Before the policy was adopted of removing the Indians

west of the Mississippi, and concentrating them upon the borders of Missouri and Arkansas, it was not so necessary to increase the army, or to adopt such measures as would more readily contribute to the defence and protection of the country. Before their removal, they were scattered over twenty-four States and three Territories; and, from their weakness, were considered more as troublesome neighbors than dangerous enemies. But now, sir, this state of things is greatly changed, and an imperious duty devolves upon this Government promptly and efficiently to afford adequate protection to those most exposed to the attacks of this uncertain and dangerous class of people. I am glad to see the gentleman from New York, [Mr. CAMBRELENG,] and the gentleman from South Carolina, [Mr. THOMPSON,] supporting this measure. They have no immediate interest in it, as we have. It augurs well for the cause, and better for their hearts; for, seeing the danger to which the Western frontier is exposed, they are willing, as liberal and high-minded patriots, to give us the protection which we ask.

These Indians are thrown immediately upon our borders, without our solicitation or consent, and in such a manner as to make them feel their strength, and consequently to be more ready to seek that revenge which their wild and ferocious temper nurtures against the white men. Now is the time to increase the military force of the country; your own policy has led to the necessity; and if it is not done in a way adequate to the emergency, this Government will prove herself recreant to every principle for which Governments are instituted, and faithless to the pledge which her policy has created. Look at this map, (holding up a map of the Indian country,) let gentlemen examine it closely, and answer me, if the Western frontier is not in danger every day from the attacks of these savages. Are gentlemen unacquainted with the Indian character? Have no lessons of wisdom been collected from the past? Do they not know the uncertain, capricious, and savage disposition of the Indians? And are we to be told that there is no danger—that all is peace and quietude? Sir, this will not do; it is mockery. The map which I hold in my hand shows our exposed situation; it shows that the whole borders of Missouri and Arkansas, from the Mississippi to the Red river, are lined with numerous tribes of Indians, who might at any time fall upon our defenceless citizens, and, before they could be checked, might spread far and wide the work of death and desolation. This is too much; the very thought of our condition is appalling; and if the Government will not afford the necessary protection, she will act a cold, calculating, unfeeling, and faithless part towards us.

I have been astonished, utterly confounded, to see any opposition either to the bill or to the amendment offered by my colleague. To a measure so just and necessary it was impossible we could anticipate that there would be any objections. I ask gentlemen if they have seriously considered this subject; if they have, in sober earnestness, examined it in all its details. Are they apprized of the number of Indians, emigrant and native, that line our frontiers? Do they know the distance that there is between the forts that are situated in the immense extent of country west and south of us; and the force, yes, the collected force, which they contain? I particularly beg the attention of the committee to this branch of the subject. The report of the Secretary of War shows that we now have on our Northern and Western frontiers, of emigrant and native Indians, about 180,000; and that there will be, when all shall have been removed west of the Mississippi, about 253,000. It shows, further, that the distance between Fort Towson and Fort Gibson, is 200 miles; between Fort Gibson and Fort Leavenworth, is 300 miles; between Fort Leavenworth and Fort Snelling, is 400 miles; between Fort Towson and Fort Leavenworth, is 500 miles; between Fort Leavenworth and Fort Des Moines, is 200; and between Fort Des Moines and Fort Crawford, 130 miles.

Is this not enough to excite just apprehensions in the breast of every candid man? What! 253,000 Indians living upon a frontier of about a thousand miles in extent, capable, in the event of a general war, of bringing into the field at least 30,000 warriors; and in the event of a war of any description, from two to five thousand; and yet there is no danger, no cause for alarm! Sir, this is but trifling with us—it is adding insult to injustice. But we are answered, that the proposition contained in the bill will be a sufficient protection, and that there is no occasion for the amendment offered by my colleague. Sir, what is the great and essential difference between the proposition contained in the bill and the amendment of my colleague? The bill proposes that the President shall accept the services of the militia, for the term of one year, in the event of a war with the Indians, or in the event of a just apprehension of difficulties with them. And the amendment proposes to give us at once peace and quietude, by affording us the adequate protection by raising and organizing another regiment of dragoons. We ask for present security. We are answered that we shall have it when necessary. I say that it is now and always will be necessary, as long as these Indians are upon our borders. But I will tell you when you will give us protection. It will be when our dwellings are wrapped in flames; when our fields are laid waste; when our people are driven from their homes; when death and desolation shall stalk over the land; when our wives and our children shall be inhumanly butchered; when mourning and grief shall cover the land, and the tears of the widow and the cries of the orphan shall tell you the fate of your wretched policy. Then, it will be then, that you will be very kind in giving us protection! When blood has been shed, when lives have been lost, and when desolation has marked our fair and beautiful fields as her own, then you will believe in the necessity of protection! and it is then that we shall receive your aid! See what your wretched policy has done for Florida. Look at her condition. Houses burnt; plantations destroyed; the people driven from their homes; villages deserted; and men, women, and children, inhumanly slaughtered! The picture is but begun. Look still further at the gallant men that have fallen; look at the inhuman massacres that have been committed; and perhaps I may reach the convictions of certain gentlemen in this House by saying to them, look at the millions that have been expended in endeavoring to put down a few Indians in Florida. Sir, the whole affair is a disgrace to the country. It is a disgrace to our name, that the proper steps were not taken to prevent this war, which could have been easily done; and it is a shameful and abiding disgrace upon the annals of our country, that Oceola, at the head of a few hundred warriors, has baffled the skill and eluded the grasp of our bravest and most experienced officers, at the head of a much superior force. And the war is still going on; and how it will end, and when and where, no one knows. Does not this afford us a lesson of wisdom? Is not this sufficient to convince you that, for the purpose of seeming to be very economical and very patriotic, we have too long pursued that miserable and wretched policy which brings upon our people ruin, desolation, and death, and upon our country shame and disgrace? Let us change this course. I ask it for the honor of the country, and the peace and safety of my constituents.

The army has been alluded to. Some seem to think our regular force sufficient to give us all the protection we need. Sir, it is the most abominable mockery on earth to pretend to fight Indians with regular troops. They are too slow and too regular in all their move-

ments to fight an enemy who only fight from the ambush. Has not woful experience sufficiently taught us that regular troops cannot successfully encounter the Indians? From the time of Braddock's defeat to the present hour, the history of our Indian wars affords us the melancholy instruction, that it is worse than idle to fight Indians with regular troops. I do not mean to disparage our officers and troops of the regular army. Braver men than they are, and braver and more skilful officers in the science of war, never lived. It is their very science that makes them unfit to fight the Indians. Look back at the Black Hawk war, look at the present one in Florida, and say if I have not spoken the truth. I say without hesitation, and repeat without meaning any disparagement, that had the gallant Dodge, with his corps of dragoons, been in Florida, he would long since have terminated the war.

Give us Western men, men who can use the rifle, and who can fight the Indian upon his own terms, and, I answer for it, they will render to their country a very different account from the one we are in the habit of receiving from our regular troops.

Sir, I hope the amendment will be carried; I ask it as a matter of right, as an act of justice; I ask it for the peace and safety of my constituents; I ask it to stay the tomahawk and to prevent the shedding of blood; and, you may rely upon it, it will be the means of accomplishing all those ends for which I ask it.

I said that I asked it as a matter of right and as a matter of justice. As a matter of right, because we are your countrymen; we are American citizens, and have the right to look to the Government for that adequate protection which she owes to every portion of the country and to all of her citizens. As a matter of justice, because your policy has placed them upon our borders, and because you have armed them yourselves. Never, in the history of our country, have any Indians been better prepared for war than those you have placed upon our frontiers. The Government has not only furnished them with the best of arms, but with the greatest abundance of ammunition. After having done all this, will you still hesitate to give us the protection we ask? If you do, you are faithless to the pledge which your policy has created, and faithless to the obligations which you owe us as your countrymen.

The hour of one having arrived, the committee, pursuant to the order of the House, rose and reported progress.

Mr. ASHLEY moved to suspend the rule for this day, for the purpose of proceeding with the consideration of the bill authorizing the President to accept the service of volunteers, and the bill for the better protection of the Western frontier; which was agreed to: Yeas 110, nays 40.

The House again went into committee, (Mr. MUHLENBERG in the chair.) The former bill was again taken up.

The amendment of Mr. McKAY was agreed to, as modified.

The question recurred upon the amendment of Mr. ASHLEY, which proposed to raise an additional regiment of dragoons.

Mr. ASHLEY said infantry were of little use to put into the woods against Indians, but they were serviceable and were necessary to occupy the posts; and, in case of a war, to fall back and protect the frontier. The war in Florida showed the truth of this assertion. Mounted men were the only kind of troops to put into the field against the Indians; but it must not be supposed that one little regiment, however brave and skilful they might be, could protect that frontier extending from the lakes to the Gulf of Mexico. In Florida a few hundred Indians kept an army engaged there of some two or three thousand; then, that being the case, he asked how many it would take to keep at bay, on the Western frontiers, fifteen or twenty thousand warriors. The Government was bound, he said, to keep a force among them to keep them from committing depredations upon each other and upon the frontier inhabitants. He advocated his amendment at some length, and urged the speedy passage of the bill.

Mr. GRANGER said: Mr. Speaker, I rise to give my assent to the general propositions of this bill, and particularly to say a few words in favor of the amendment proposed by the gentleman from Missouri, [Mr. ASHLEY.] I remember, sir, that when the question of removing the Indians from their native abodes and the sepulchres of their fathers was first raised, one argument in its favor, and one which commended itself to me with more force than any other, was the fact that they would be removed from the vices which civilization threw around them; that they would be taken to a country where broad hunting grounds would be secured to them; that they would follow the chase as they had been accustomed to follow it; and that, finding employment congenial to their habits, they would have all their simple wants supplied, and would cease to be the victims of the white man's cupidity.

I remember, sir, that those who viewed this subject more calmly, and, as it would seem, more wisely, then prophesied that that would happen which has happened. We have been told, to-day, that instead of availing themselves of the advantage promised to be secured to them, instead of being quiet, happy people, indulging themselves in all the simple engagements of savage life, they are people herding together, and pent up in close squads on the frontier, as the gentleman from Illinois [Mr. REYNOLDS] has told us, often suffering from hunger, enjoying but few of the necessaries and none of the luxuries of life. Under these circumstances, sir, and departing as they have done from the primitive habits of their ancestors, to which I had hoped they would have returned, it becomes necessary to take measures to guard the frontier settlements against their depredations. No gentleman has greater confidence than I have in the armed freemen of the United States, when called into action. The history of the West shows us that there is no community on which we can rely with more security than on the people of that section. But, sir, he has been but a careless observer of the Indian character who does not know that the force proposed by the gentleman from Missouri is the force of all others that an Indian dreads, and that is effective in Indian warfare. What do you see in Florida? All the commanding generals of your army there assembled; the patriotic volunteers flowing in from all your Southern and Southwestern States; and still you find that an army of militia, aided by regularly organized infantry, is almost powerless in this peculiar warfare. He who reads the accounts of the day will learn that, as your armies have moved in full martial array from one post to another, the point which the army abandons is immediately seized upon by the very savages whom you would attempt to force from their ambush. Why, sir, in these cases it requires an army to fight an Indian; because he regards not the "pride, pomp, and circumstance" of war. His warfare is the warfare of subtlety; he feels no disgrace in telling you that he will not meet you on the battlefield, because he has been early taught, both by sages and warriors, that treachery is honorable. How, then, are you to control him? How are you to address yourselves to his fears? Only by presenting to him that kind of martial array which can be moved with celerity, and which will present a force at every corner. That is only to be found in armed men who are moved with a rapidity equal to that with which the Indian pushes on his trail, or traverses the prairie. Gentlemen familiar with this species of warfare have told you that, if you rely on

your infantry, the Indian will laugh at you, scout you; and that, before you have moved ten miles from the post you abandon, he will possess himself of that very encampment. I have no objection to the general provisions of this bill; for I believe that authority, if it does not now, should at all times exist in the President of the United States to call out troops, when wanting for such an emergency. I shall therefore vote for every part of the bill, but more particularly for the proposition of the gentleman from Missouri. One word, sir, before I sit down, as to what has fallen from the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG.] It seems to me that there is a great desire to create a war panic somewhere. We are now to raise an army to guard ourselves against Santa Anna.

Mr. CAMBRELENG explained. He had said no such thing; he had said that we must raise an army to prevent an Indian war. He had expressed no opinion about Santa Anna.

Mr. GRANGER. I will endeavor to bring myself more closely to the gentleman's words. They were, sir, that it cannot be disguised that there is danger that Santa Anna, in driving the Texans before him, might follow them to within our frontier.

Mr. CAMBRELENG said he expressly disclaimed having used any such language.

Mr. GRANGER. Did I understand the gentleman to disclaim having stated the possibility of an approach by Santa Anna upon the frontier of our country?

Mr. CAMBBELENG said he had stated that he was of opinion that the force of the Mexicans was so strong that they would drive the Texans before them on to our frontier, which would excite the hostility of the savages on the whole frontier, and bring upon us an Indian war, against which it was necessary to protect ourselves.

Mr. GRANGER. Then, sir, leaving the correctness of our respective versions to be decided by the House, I have only to regret that, commanding the distinguished position he does, the gentleman should have found it necessary to have said one word of Santa Anna, even in connexion with our Western Indians. Should the crimson flag of that chieftain ever be brought so near this frontier that its blood-stained folds could be seen to wave, the whole of the vast valleys of the Mississippi, of the Ohio, and of the entire West, would be poured forth to the defence of our country. And, sir, the gentleman from New York, my honorable colleague, knows as well as myself, that when the hunters of Kentucky and the riflemen of Tennessee are in the field, the enemy had better look out.

Mr. RIPLEY contended that, from want of knowledge of the country, honorable members had, in his opinion, been entirely mistaken in relation to the orders which had been given by General Gaines, and the grounds taken by the Secretary of State. That a civil war was now raging in one of the Mexican States was a fact of public notoriety. That, on the part of Santa Anna, it was waged in the most barbarous manner, neither respecting convention nor parole, was equally notorious. Prisoners, under convention, were murdered in cold blood, nor was helpless age or unoffending infancy spared by this modern Attila. The United States had, in this war, determined upon a strict neutrality between the belligerants. They had acted upon this principle; but, as a neutral Power contiguous to the contending armies, they had, upon every just principle of self-defence, high interests to protect, and duties to perform. They were bound to guard their own territory and to preserve the lives and property of their own citizens. The more sanguinary and faithless the character and conduct of one of the belligerants, the more extensive become the measures of prevention which they may take, and which a severe vigilance or even suspicion will require.

Now, sir, what is the position of Louisiana? On her frontier a civil war rages, marked, on the part of the Mexicans, with the most atrocious ferocity. If Santa Anna perpetrate his sanguinary schemes, and imbody hordes of Indians, whose mode of warfare we are acquainted with, and that band of patriots in Texas, arrayed for the defence of their homes, their liberty, and their families, should be stricken down, you have but about six hundred men in the field under General Gaines, to arrest the progress of Santa Anna and his myrmidons to New Orleans. Under such a state of things, Louisiana would soon be desolated. The country between the Sabine and Mississippi contains but a very small white population. I should say, in the four western parishes below Red river, there are not more than twelve thousand whites to forty thousand slaves. It is an extraordinary fact, from the formation of the country, that, if the Texans and the force of General Gaines should be destroyed, a thousand determined mounted men could dash from the Sabine, cut down the levees on the Mississippi in twenty places, inundate the whole lower country, destroy New Orleans, and retire before a population could be collected to make head against them. Is this romance, or is it sober reality? I appeal to my honorable colleagues for the correctness of my statements.

General Gaines has made a requisition on Governor White, who has declined complying with it, for want of funds, the Legislature not being in session. He has conversed with General Planche, the gallant leader of the legion, who is ready to march with that corps, excelled by none in discipline, chivalry, and patriotism. Let us, then, appropriate the funds which this bill contemplates, and remove the difficulty the Governor has raised—a difficulty on all former occasions unheard of in Louisiana, for she has sprung to arms and fought most nobly on every requisition of the Government.

The Secretary of State has furnished the views of the President in relation to the course this Government would pursue in case of our neutrality being threatened. They are given in the spirit of honest neutrality, and are at the same time evincive of the clearest military foresight. They show the firm, upright determination of the Government to protect the citizens of our frontiers. After reading these documents, they can repose quietly; without them, fears and apprehensions would have induced them to instant removal.

We know, sir, that the true Sabine has never been definitively settled. A treaty has been ratified to effect it immediately. We know, too, that the branch running through Nacogdoches is the western branch of those streams which empty into the Sabine lake, and all united form the Sabine to the sea. The Sabine lake is only a widening of the Sabine river, in consequence of low lands on the banks, and in ordinary water is only one or two miles broad, and is in fact the true river. Of course, until the line is run, our Government should not suffer the Mexicans or Texans to take possession of any intermediate point of the valley of the Sabine. The longest branch of the Sabine river is now reported to be many miles westward of the supposed limits of Louisiana. Arkansas has already organized two populous counties above the 33d degree to the westward of the branch which has been considered in Louisiana as the true branch, because we never have explored the country. Arkansas has done it, and organized her counties, being convinced that the western branch is the longest branch of the river, and of course is the true Sabine, within the meaning of the treaty. Texas also claims this territory. Now, sir, what is the ground which the Secretary of State has assumed, and which the honorable member from Massachusetts [Mr. ADAMS] has so severely censured? Why, it is this: that until the line is definitively

settled, the valley of the Sabine shall remain neutral ground. We assume no hostile attitude towards the belligerants; but we have rights to be established on the frontier territory. One of these rights is peaceably to explore all these branches of the Sabine river, for the purpose of ascertaining the true line contemplaed by the treaty.

If either the Mexicans or Texans attempt, with an armed force, to occupy one of the branches of the Sabine, to our exclusion, until the line be settled, our forces (notifying both parties) should advance to old Fort Nacogdoches, situated upon the western branch, and hold it until the boundary is ascertained. Is this not acting in good faith as a neutral? Is it taking any part in the war? Is it not frankly apprizing the Mexican chief that these movements are only provisionally made, to secure our rights in running an undefined boundary, by not allowing any military possession to be permanently assumed? As a military position, it is the only one which can be taken by General Gaines to cover our population from the Mexicans and their Indian allies. Bear in mind, Mr. Chairman, that General Gaines is on the east side of what has been supposed to be the main Sabine, though now it is doubted whether it be so. There are upon the western branch, in advance of General Gaines, thirty or forty miles to the northwest, two counties of Arkansas south of Red river. These two counties cannot be approached at this season with an army by any other route than the road to Nacogdoches; and if General Gaines were to remain in his position, and allow the Mexican force to occupy Nacogdoches; they would in fact be between him and those counties he would be called upon to defend. The frontier population would be separated from the army which was to protect it, with the Mexicans and Camanches between.

Suppose, for a moment, the Mexican army posted at Nacogdoches, with a disposition to disturb our neutrality; I do not presume that they possess that disposition; the Government does not presume it. But in such an event they could have a small corps of observation upon the road that leads to Louisiana, to prevent information from reaching General Gaines, while the principal force could join the Camanche Indians towards the Arkansas, a distance of fifty miles from Nacogdoches, and our force would be thrown pefectly *hors de combat*. These facts appear to render it indispensably necessary to the safety of our frontier, to assume a position which will effectually cover it, until the line be definitively settled, and the boundary fixed by the commissioners.

The honorable member from Massachusetts [Mr. ADAMS] has assumed positions which I cannot believe tenable, both in regard to the statement of the conference of the Secretary of State with the Mexican minister, and to the letter of General Gaines, wherein he states that, under certain circumstances, he will cross the Sabine with his troops, if it be necessary, to protect our neutrality, and defend the homes and firesides of our frontier inhabitants, and for this General Gaines is censured by the honorable member.

The facts I have already stated will form for that gallant officer his complete justification. He cannot in any other way cover the two counties of Arkansas which are advanced, on one of the branches of the Sabine, at least fifty miles further west than the present marked boundary of Louisiana. And is there any thing new in the doctrine that a neutral has a rignt to cross a neighboring line, if, in good faith, it be necessary to save her own citizens and territory from desolation?

The honorable member alleges that it would be declaring war. Sir, in the first Seminole war, that honorable member thought otherwise. On that occasion, in one of the most masterly arguments which has ever emanated from the statesmen of this republic, contained in the letter from the honorable member, then Secretary of State, to Don Onis, in vindication of General Jackson, he perfectly established a contrary doctrine, the precise doctrine for which General Gaines contends. That state paper has been published to the world; and it has reflected the highest character not only upon the honorable member, but upon the character of our country.

Much has been said upon this floor respecting the character of the population of Texas and the nature of this Texan war. I was sorry to hear honorable members denounce that character, and represent this war as produced by land speculators, and by renegadoes to their native land. Sir, it has been my lot, from my contiguity of position, to be acquainted with a numerous portion of the Texan people. I have almost my whole life lived upon a frontier. My first associations were created amidst the log cabins in Maine, on the Eastern frontier, and on the frontier of New York during the war; and let me tell you, that amidst all the inhabitants of a new country that I have been acquainted with, Texas is second to none in the character of her population. Austin, as a lawgiver, and the builder up of civilization, is inferior to none that have figured in forming new communities on this continent.

The people of Texas hold their right of territory by a more just title than most of the States. They acquired it by the colonization of Mexico; by the Mexicans' plighted faith. They have not conquered it from the savages, the native possessors. In the controversy between Spain and Mexico, many Americans were in the ranks, fighting for Mexican freedom. For a short time the Mexican people were grateful, and under this impulse they made grants of lands to the early settlers of Texas, for the double purpose of settling their wilderness, and, by creating a barrier against the Camanches and other Indians of Red river, to protect the inhabitants of the interior States. They also adopted the constitution of 1824, and the colonization law of the same year; and, under these guarantees, the Americans emigrated, until 100,000 inhabitants had populated the country. Civilization and intelligence had spread their influences over a country before wild and desolate. In every stage these colonists had been loyal and faithful to the Mexican Government. In their constitution it was provided that when Texas should contain a population of forty thousand souls, they should be admitted as a State into the Mexican Federal Union. Texas took a census, and found that they had more than that number. They petitioned for admission as a State, and were only answered by imprisoning their agent, Colonel Austin, for nearly two years. Still they did not fly to arms. But, when that monster in human shape, Santa Anna, with a profligate priesthood, and a still more abandoned soldiery, struck down the free constitution of Mexico; when they invaded Texas for the purpose of coercing her to the same degraded state, the war-cry of liberty was thundered forth. In the same spirit which animated our fathers of the Revolution, the brave, the freeborn Texans resolved to live free or die. Let their beautiful country, now waste and desolate—let their Spartan matrons, now houseless and destitute—let the crimson torrents, poured out at the Alamo, bear witness how nobly they have kept their vow. Yes, sir, at that consecrated spot another monument has been raised to the soul-stirring spirit of freemen. Greece had her Thermopylæ. In the Alamo, as bright a beacon-light of liberty has been kindled, and Travers and his brave associates will rank, on the pages of impartial history, with the immortal Leonidas and his Spartan band.

Mr. WHITE, of Florida, hoped the amendment of the gentleman from Missouri would prevail. It was substantially the same as Mr. W. himself had proposed to another bill some eight or nine weeks ago, and which, if

adopted then, would have saved the Government at least half a million of dollars. He then entered into a description of the campaign in Florida, and the present situation of the country there. In a very short time General Scott would be compelled to disband nearly his whole force, and the country would be left to the mercy of the savage for the whole summer. Even with reference to the existing circumstances in Florida alone, the amendment ought to prevail, and he recommended the honorable mover to use the words "dragoons or mounted riflemen."

Mr. MANN, of New York, expressed his surprise that this bill should be embarrassed by gentlemen coming from the quarter of the country most interested in it, with propositions which he conceived to be highly objectionable; such as the one pending, to incorporate a new force in the regular army of the United States: in other words, to increase the standing army upon mere surmise. He had recently received a lengthy communication from a distinguished officer now stationed on the Western frontier, (Col. Taylor,) which stated that there was no apprehension of hostilities on the part of the Indians, nor had there been the slightest manifestation of dissatisfaction exhibited by them. Mr. M. strongly opposed the amendment. In the first place, there was no evidence that any additional force was required; and, secondly, they had no experience as yet that the proposed force would be more effective than that already existing. On the contrary, it was a well-established military fact, that cavalry were at least more expensive, if not less effective, in an enemy's country, from the necessity of collecting forage, and the difficulty of procuring it.

Mr. GLASCOCK was in favor of the formation of such a corps as that proposed in the amendment. He remarked that official advices had been received that serious apprehensions were entertained from the Creek Indians on the borders of Georgia and Alabama, and the effect of this amendment, if adopted, would go far to secure the peace and tranquillity of that quarter. Had such a force been stationed in Florida before the war, all the depredations and slaughter which had visited that Territory would have been prevented, and the Seminoles would have been as peaceable as the Indians of the Northwest. He was confident, that if a cavalry force was raised, and properly stationed, nothing would ever again be heard of Indian aggressions. He would not take the expense into consideration, for it would be a reflection upon our national character. Mr. G. then adverted to the Florida war, where, from the peculiar nature of the country, cavalry could not be so effective as infantry; but this was not the case in the Western prairies. His object was to have a force of mounted infantry, thereby partaking of both characters, with the advantages of each.

Mr. HANNEGAN replied to Mr. MANN, and supported the amendment. He referred to the great efficiency of mounted men in the Black Hawk war, in the campaigns on the Wabash before and after the battle of Tippecanoe, in the last war on the Northwestern frontier, and in the campaign of Colonel Dodge. He referred to the advices he had received of the temper of the Indians at present on the Western and Northwestern frontier, from whom apprehensions were justly entertained. Mr. H. adverted to the fact that the Indians themselves used horses in their excursions, being always well mounted, and that the prairies furnished ample forage for their sustenance, as also for the subsistence of our own horses. As Texas had been alluded to by several gentlemen, and the possibility of Santa Anna's approach to our frontier suggested, he would only speak as one, that, for himself, were the powers and resources of the American Government at this moment under his control, he would lend them all, and with all the energy ever given by man to any cause, to aid in inflicting deserved punishment upon the monsters who, at San Antonio and elsewhere, had offered an insult to every civilized nation of the earth by their brutal atrocities. He would never pause, never hesitate, never falter, until every miscreant who stood beneath the wavings of the bloody flag had found beneath the soil of Texas a bloody grave; never until Texas was free.

Mr. GILLET addressed the Chair as follows:

Mr. Chairman: The bill now before the committee is one authorizing the President of the United States to accept the services of volunteers. To this bill has been offered an amendment directing the raising and organizing one additional regiment of dragoons or mounted riflemen. To this amendment, Mr. G. said, he would offer a modification requiring them to be raised only in case the President should deem them necessary to defend the country. Mr. G. said he had offered the amendment with the view of rendering the bill as acceptable to all sides of the House as possible. He presumed that all would assent to the proposition, that the present Executive was fully competent to understand all ndications of hostility, and would, when necessary, promptly act as the interests of the frontier should require.

[Here Mr. ASHLEY accepted the proposed amendment, as a modification of his own.]

Mr. G. continued. He said he was happy to learn that the amendment was acceptable to that gentleman.

The course of the discussion had been such, that he felt it to be his duty to make some remarks on this subject. He should do so, though he had made no preparation for that purpose.

The bill as now amended, as he understood it, authorizes the President to accept volunteers for a period not less than twelve months, for the purpose of defending our frontiers and those sections of country still occupied by Indians. It is limited in its operation to two years. An amendment had been offered by the gentleman from Missouri [Mr. ASHLEY] which proposes to add to our present military force one regiment of dragoons or mounted riflemen. The period of service of the proposed regiment, of course, would be not to exceed three years, as provided in the act to which the amendment refers. The immediate question before the House was on the amendment, but he would proceed to discuss both the bill and amendment, both being open for discussion.

Four questions arise:

First. Is there a probable necessity of an additional regiment for three years?

Second. If there is such a necessity, what description of force is best adapted to the service required?

Third. Is there any probability that a further force may be necessary within two years?

Fourth. If there is any such probability, for how long a period ought volunteers to be received?

The last returns of the army show that we now have seven regiments of infantry, with 420 privates each; four of artillery, with 378 privates each; and one regiment of dragoons, containing 600 privates; making an aggregate of 5,052 privates. Of this number 413 were on the sick list, and 326 in arrest or confinement. These two classes alone diminish the number on duty 739. Other causes doubtless add to the number of those who are not performing duty. It may be safely said that not more than four fifths of our army can be relied upon as ready and fit for actual service. When undergoing the fatigues and hardships of a campaign, in a wilderness country, the proportion of effective men will be greatly diminished. The returns show this small force scattered at fifty-three different posts, and, with a single exception, not one post has two hundred privates. They are scattered from Maine to Mexico, and from Louisiana to the lakes. It is true that, at this moment, a portion of our army is con-

centrated at Florida, but he spoke of its ordinary position. Yes, sir, we have in the very heart of our Southern country an Indian power which we have not been able for three months to subdue, though we have sent there all the force which we could well bring together at that point.

How much force may still be needed to subdue these Indians, and protect the country, cannot now be known. We cannot be blind to passing events at the West. The war belt is going the rounds, from Florida to the Upper Mississippi. The Indians exhibit symptoms of restlessness, and even hostilities. There are now on our Western borders some thirty or forty thousand warriors, and some of them entertaining strong feelings of hostility towards us. Many of these are armed after our own example. It is generally understood that those Indians who are most hostile to us are on exceeding good terms with the individual who has so inhumanly butchered the Texans. If that individual does not entertain hostile feelings towards that section of the country from whence Texas received most of its population, and from which it may have recently received succor, then his barbarities are not to be taken as an index to his feelings and his fears. If he harbors resentment towards that section of country, it will be easy for him to stimulate Indian resentments into open hostilities, which may desolate the whole frontier. But, aside from these possibilities, he would ask whether the present force in the Indian country is sufficient to operate as a certain check? By the last returns, the whole force under General Gaines, who commands the Western division, amounted to only one thousand nine hundred and ninety-five privates, present and fit for duty. Of General Scott's force only three hundred and three privates fit for duty were in Michigan and Wisconsin, and these were at six different places. General Gaines's force was at twenty-two different places. This small force cannot, in any reasonable period of time, be concentrated at any one point; and if it could, it would be too small to resist such an Indian force as could any day be assembled. But our safety will not permit an abandonment of the present posts. Even the force at them is generally conceded to be too small to keep the Indians in awe. We had better increase than diminish the number of these posts. He understood that we were under a treaty obligation to protect some of the Indians that we had induced to go to the West, against aggressions from their present neighbors. If this be so, certainly a considerable new force is needed for that service. Our frontier force is needed, not so much for fighting as to keep the Indians in check, and preventing actual hostilities. Our authority will not be respected, unless we exhibit before them a power which can chastise them into obedience. They will never attack when they are fully persuaded that instant punishment will ensue. These considerations induced him to believe that a regular force for at least three years was actually necessary and proper, to guard the Western and Northwestern frontier. He should therefore sustain the proposition to raise the contemplated regiment.

This brought him to consider what description of force was best adapted to the service required. Some were of the opinion that mounted men were best, while others gave preference to infantry or riflemen. In choosing between these two corps, we must consider the nature of the duties that are required, and the place where they are to be performed. We do not need the same in attacking a fort that we do in scouring a wilderness; nor do we require the same to range a prairie that we do to traverse the thick underwooded forests of the North. Where he resided, dragoons or mounted riflemen could accomplish but little in the wilderness. There riflemen and infantry alone can traverse the forests and find the Indian in its dark recesses. Not so at the West. Many of the tribes are mounted on fleet horses, and all moved with a celerity hardly expected of any other force than mounted men. No armed men but dragoons or mounted riflemen can ever overtake and punish them. Often the very safety of our men depends upon the rapidity of their movements. You may at sunset be in hot pursuit and near to your enemy who is moving west, and if he be mounted, he may soon approach with suddenness and rapidity, and attack you from the east. During the dry season of autumn and winter, it would be easy for such a foe to hem in a force on foot, amid the fires of the prairies. There is no way to oppose this Indian power which is so certain of being successful as to send mounted men, who can speedily change positions, and move from point to point as rapidly as their opponents. The tribes at the West, which we must protect from the hostilities of other tribes, are scattered over a large extent of country, and no military force could traverse that country and protect them as well as a mounted one. Indeed, none other could act efficiently. One objection had been urged against mounted men, which had but little weight with him: it was that this was the most expensive kind of force that could be employed. The great question should be, not what is the cheapest, but what force is best calculated to accomplish the object intended. He was well aware, from his own knowledge of these matters, that cavalry was the most expensive force that could be raised. But then he had entire confidence that it was so much more efficient and useful for the purposes intended, that it should be employed. He, however, fully believed we could accomplish the great purposes in view cheaper by employing dragoons, or mounted riflemen, than by any other force. It may be necessary to go many hundred miles into the Western wilderness in a single season. This can only be done by mounted men. The slow movements of men on foot will prevent their ever being able to make a display of our power to distant tribes, to keep them in check. A small number of mounted men will be able to show themselves at many distant points in a single season. But infantry cannot do this. His belief was, that we should, for these reasons, employ mounted men, and he should prefer to see them armed with rifles or carbines of the recent construction.

One word more about the expense to be occasioned by the proposed mounted regiment. He desired to know if we were at this time to be deterred from protecting our frontiers on account of the expense? What do we hear every day? Are we not told that there is a perfect plethora in our Treasury; and that the moneys there must be distributed to the States, to prevent their endangering—nay, ruining—our institutions? He hoped, with such a state of things, the calls of our Western brethren for protection of their wives and children, and their homes, would not be disregarded, but that we should go far enough to calm the fears of the most timid. There is no doubt about the right to use the means in the Treasury for their defence and protection. We ought to use it economically, but freely. It was one of the purposes of our civil compact to secure protection to all. They should not only be made actually secure, but it should be so apparent that all would feel secure. It is a life of misery to doubt our security. We must also bear in mind that the fears of women and children are to be calmed only by those palpable measures which attract the attention of all. He but too well remembered the sufferings of many sections of country during the last war, occasioned by their being, not in dangerous, but doubtful, positions. Those who believed themselves to be in danger suffered but little less than those who were actually so. The fears then excited by a civilized foe could bear but little comparison with those called forth in the West by a savage one, whose movements are sud-

den, and whose rule of warfare is to pounce upon their victims in the stillness of midnight, sparing neither age nor sex, making all the victims of savage and fiendish barbarity.

He had regretted that a sectional allusion had been made at all. It was unjust, coming from any quarter. He considered the protection of our follow-citizens in all quarters of the Union, from the tomahawk and scalping-knife, to be a different matter from giving protection to one branch of industry, to elevate it above others of equal consideration. He little wished to build up one interest at the expense of another, or to confer privileges upon one class of men not accorded to all others. But he did desire to protect our citizens against all aggressions and violence which might interfere with their lawful pursuit of happiness.

Our last war, he believed, grew principally out of aggressions upon the commerce carried on by our Atlantic brethren, most of which was from the Northern and Eastern States. The wrongs then committed aroused the pride and honor of the nation, and we leaped, with a noble daring, without money in our Treasury, into a war costing many millions. He thought the West and interior States were as prompt to sustain that measure as any other portion of the Union. The West would not suffer by comparing her votes in those times with the votes from the East. He presumed they would not shrink from comparing their battles with those of any other portion of the Union. He did not wish to be understood as speaking disparagingly of the zeal and activity of any portion of the Union. His own State had shared gloriously in that conflict. But all he wished was to show that the West was for our country, our whole country, both here in this hall and on the battle field.

Sir, at the last session we had our attention turned towards preparation for a conflict with France, growing out of claims of our Atlantic merchants of some forty years' standing. He appealed to the records of the votes on that occasion to show who were ready to vote millions to put the Atlantic in a state of defence. He hoped now he should see his Northern and Eastern friends cheerfully vote to place the frontier in the most complete state of defence. Those local feelings, which measure out the means of defence only for their immediate neighborhood, are unworthy of an American bosom. He hoped to see them expunged and nullified. We are all American people, and all interested in the welfare of the whole; and when the West ask the means of protection for the frontier, he should place much confidence in what they asserted; and he in turn should expect the like confidence from them in what related to his section of country. He had no fears of their wishing an army to traverse the Western wilderness for any other purpose than *bona fide* defence. Indian wars and Indian campaigns were not so inviting as to be sought for as a matter of pastime or patronage. He would here say, in justice to himself, that he was opposed to a standing army, beyond what was necessary to garrison our forts, and to protect the frontiers from savage aggressions. He would state, before he sat down, what was in his judgment necessary to be done, in order to keep our standing army at a low limit.

The same reasons which he had assigned for the additional regiment would, to a certain extent, apply to show the necessity of placing the volunteers at the command of the President. He would add, that the knowledge among the Indians of the existence of this force, in a form to enable us immediately to chastise them, would operate strongly to deter them from aggressions. If they are not needed, these volunteers will cost us nothing; but if their services should be required, they will be ready for immediate action. It was enough for him that those who understood this subject best, and who were to be protected, desired the existence of this force. He should cheerfully vote it. He would remark that it conferred no new power on the Executive, but it only changed the form of exercising it. By the present law he can, in case of hostilities, call upon any of the Governors of the several States for militia, as he shall deem expedient; but this bill proposed to allow him to receive volunteers. He thought this was right. But there is this difference between the present law and this bill. By the present law they can only be called out for the limited period of three months; but by this bill they may be accepted for a period not less than one year. He deemed this change an important one. It enabled us to retain our men for a full campaign, and long enough to accomplish any object which we should be likely to desire. They would leave home and enter the service, expecting to be absent for their full term. But the militia leave home unexpectedly and unprepared; and it is often much to their injury to be long absent. It is difficult to retain them sufficiently long in service to accomplish any valuable purpose at a distant point. Much of their time, too, is consumed in reaching the place where their services may be required. He was, therefore, decidedly in favor of the term of service being not less than one year.

He had arrived at the conclusion that both the bill and the amendment ought to be adopted. But suppose we do not pass either, and a cruel, merciless, Indian war should break out before we assemble again, and lay waste and desolate the frontier; should we feel a consciousness of having done our duty, and would our constituents cheer us with approbation of our conduct? He thought, if the fears of the West were realized on this subject, that our own pillows would be pillows of thorns, and our own consciences would concur with our constituents in condemning our disregard of our solemn but palpable duty. His constituents would desire him to do by the West as they would wish to be done by themselves, if placed in a similar situation. He was sure, if he should bring them a sixth of the whole Treasury, and tell them they could have it, but that it must be at the price of the lives of men, women, and children, of the West, they would hurl it back in scorn; nay, they would place such an indelible stigma upon the bearer of such a proposition, that repentance and a long life of patriotism would hardly remove it. There were no such selfish, money-loving, and unpatriotic citizens among his constituents. They love their whole country, and for themselves ask only that protection in their pursuit of honor and happiness which they desire to see enjoyed by every American.

He wished to caution gentlemen against those propositions which were insinuating themselves into favor through an artful appeal to avarice and cupidity, which shall sweep the public chest to the bottom, and weaken energies which we ought to cherish in full vigor.

It is worthy of the consideration of those whose local situation exposes them to Indian and foreign aggression, to reflect whether the means of defence may not be crippled or withheld by any change in our policy which shall make it the principal and all-important achievement of the representative to carry to his constituents the greatest possible sum from the Treasury, whether the public defences have been provided for or not. Is there not danger, when the love of money is directly appealed to as the basis of action, that such an appeal will be more successful than that which shall ask protection? Is there no fear that the cry for succor from our frontiers may be unheeded by those who may have objects to accomplish by returning to their constituents with quite as much of the public treasure as their predecessors carried? When a State has been, for a long succession of years, receiving and using a certain amount

from the national Treasury annually, and all her plans and arrangements are made with reference thereto, can it be expected that her representatives will easily be brought to conclude that they will be sustained, if they freely vote away for other objects so much as to defeat those plans? He much feared that such a change would chill the patriotic ardor and enthusiasm in the country, and cause us to quietly receive indignities which a love of money would prevent us from resenting, but which honor would require us to repel. Unless he was greatly mistaken, we have already suffered by the supposition that cupidity formed a stronger trait in our character than a love of honor. He thought it but too true that, on a recent occasion, France fell into the belief that we loved money better than honor. She was mistaken; but it is true we clamor so much about money, that it was a very natural mistake. He hoped that no system would ever be adopted in this country, the effects of which would be to render that real which they had imagined. There were other and many strong reasons which might be added on this subject, but they did not relate to the point which he was considering—the defence of the country. They would involve a discussion of constitutional principles, and questions of great national policy. On a proper occasion he hoped to have an opportunity of presenting his views on them. On the present occasion his object was only to call the attention of the House to the defence of the country.

He must avail himself of this opportunity, though not directly involved in this bill, of recurring to the main arm of our national defence, the militia. He had once, this session, brought this subject before the House, and he would here say that he hoped this House would never consent to adjourn until this great question was acted upon. Sir, the whole of our Western borders, States and Territories, including Florida, (if the returns to the adjutant general are correct,) have, in all, hardly arms enough, if all were good, in the hands of the enrolled militia, to arm a single regiment. If the proportion of poor arms among them is like that in many other quarters, there is not sufficient for that purpose. The militia system is so entirely prostrate in some of the States, that returns are not furnished to the proper officer, showing the actual force enrolled. In ten Western States and Territories, represented here by more than forty members, the returns show only twenty cannon in the hands of the militia. In truth, there are no means of defence there, except men and true American hearts. Shall these things be continued? Are we to make no preparation for future defence, but rely upon a large standing army? The excuse for neglecting this subject once was, that we had no means to enable us to act. But this excuse is no longer founded on truth. Nay, our greatest evils, if certain predictions are true, are to flow from our entire inability to use the means in our bloated Treasury. The course he had suggested would, to a certain extent, relieve us from these apprehended evils. A large sum would be needed for this purpose, but the benefits to be derived from it would be adequate protection of the country, and the relief of that portion of our citizens who now bear an unequal share of public burdens.

The power of Congress over this and all subjects connected with the defence of the country was undisputed, and there could be no apology for failing to put it in a good state of defence. On various questions, he differed with many gentlemen about the powers of Congress. But the same spirit which induced him to respect the opinions of those who thus differed with him, would doubtless induce them to extend to him the same liberality of feeling. A difference in our principles could never be rightly and truly charged as evidence of a want of kind feeling. He could respect those who differed with him in principle, but he could not extend that feeling to any one who attempted to excite and perpetuate sectional jealousies. If there were those who ought to be the scorn and contempt of all patriots and honest men, they certainly were those who sought power, or to accomplish purposes, by an appeal to sectional feelings. Mr. G. said, let us go hand in hand in favor of all such measures as shall be commended to us by our judgments and our views of our constitutional powers, and when we arrive to the point at which we are compelled to separate, let us part like fellow-citizens, and not like imbittered, rapacious, and merciless foes.

Mr. G. said he was sorry his colleague [Mr. GRANGER] had brought to the notice of the House the old question of removal of the Indians beyond the Mississippi. He had hoped that question had been quitted forever. If he had understood his colleague, he stated he had raised his voice against that measure.

[Here Mr. GRANGER rose and said his colleague had misunderstood him. He had not intended to say that he had raised his voice against that measure, but he had alluded to the fact that others had.]

Mr. G. continued. He was happy to find that his colleague did not entertain the views that he supposed. If he now understood him correctly, he must consider him with the administration on that question, as he had not raised his voice against that act. He was going to say that recent occurrences in Florida had made manifest the wisdom and propriety of the removal of the Indians. It was much easier to guard one line of frontier than a whole Territory. The force now required in Florida would protect a large extent of frontier. But his colleague's explanation on this point had corrected his own understanding of his remarks, and rendered it unnecessary for him to pursue this subject.

He was very happy to hear a just compliment paid by that gentleman to the "hunters of Kentucky and riflemen of Tennessee." They had aided General Jackson in closing the war, on the plains of New Orleans, in a blaze of glory. He, however, thought there were other border States, whose sons possessed a full share of patriotism and true American courage. Indeed, in making up an inventory of courage and patriotic zeal, he hoped other parts of the Union would not be forgotten. Compliments of this kind might well be considered as indications of a kind heart, and from that quarter they were very appropriate at this peculiarly interesting period.

Mr. G. said he would not detain the committee by going into matters of deep interest connected with the public defence. On a future occasion he hoped to have an opportunity to examine the subject in all its aspects connected with the policy of the country. He hoped to see the glorious work of defending our country placed on elevated ground, worthy of free America. And let us now give an earnest of our intention by a prompt movement in favor of the rising West. Let us not permit an honest but misguided economy to lead others to the conclusion that we are powerless and inattentive to that quarter. Such a conclusion might again involve us in all the horrors of an Indian war. But let us act promptly, and avert the danger. Let us place our Western brethren in such a state of security that they may quietly enjoy the bounty of Providence and the fruit of their own labors, without the apprehension of danger.

Mr. JOHNSON, of Louisiana, also supported the amendment and the bill; and he stated that the people of the western part of Louisiana were very much alarmed, and they were in daily apprehension of hostilities from the Indians.

Mr. VANDERPOEL briefly replied to Mr. MANN, and made a few remarks in support of the amendment.

It seemed that all concurred that a mounted force was the best that could be employed; and the only question was, whether they should wait till the moment had arrived for their employment. He was disposed at once to make the provision, and should not envy the responsibility of his colleague, if they neglected to do it, suffered the war to break out, and the country to be ravaged, before it could be prevented. He should, however, have preferred the amendment without the modification of his colleague, [Mr. GILLET.]

Mr. ASHLEY then withdrew his acceptance of Mr. GILLET's modification, and accepted that of Mr. WHITE, of Florida, to insert the words "or mounted riflemen."

Mr. MANN, of New York, said a few words in rejoinder to the gentleman who had replied to him. He was not opposed to the bill, but he could not bring himself to concur in the expediency of raising all at once so large a body of cavalry as ten thousand men. He was in favor of limitation, and of not to the utmost extent they could go, especially without any information having been furnished to prove its necessity.

Mr. EVERETT said he had been misunderstood on yesterday. He was in favor of the amendment of the gentleman from North Carolina, [Mr. MCKAY,] but it did not go far enough to remove his objections to the first section of the bill.

Mr. THOMPSON, of South Carolina, cited the report of the Secretary of War, giving a tabular statement of the number of warriors of the various tribes of Indians on the frontiers.

Mr. HOAR thought at least the opinion of the Military Committee should be given thereon before they were required to vote on a proposition of so important a character as this.

Mr. THOMPSON, of South Carolina, cited a passage from the annual report of the Secretary of War, recommending a similar provision.

Mr. HOAR still thought the subject should have been considered by the Military Committee, and they ought to have the result of their considerations. Until that was done, and it came recommended from that committee, he could not consent to vote for it.

Mr. R. M. JOHNSON explained the course that had been taken on the proposition in the Military Committee, who had postponed it, and brought up the single proposition to authorize the President of the United States to receive volunteers, instead of draughting the militia. He should himself vote for the amendment of the gentleman from Missouri.

Mr. ADAMS was opposed to the introduction of Mr. ASHLEY's proposition in this bill, as it was incongruous, and the bill and amendment were inconsistent with each other. He should vote for the bill, and would also for the gentleman's proposition, if he would bring it forward separately; but the principles embraced in the one and in the other were totally separate and distinct. Mr. A. also wished that some specific sum should be appropriated to carry the provisions of the bill into effect; for, otherwise, it was placing the whole Treasury at the disposition of the President.

Mr. BOND said there was no necessity for the amendment, inasmuch as the first section of the bill already provided for "mounted troops."

Mr. WILLIAMS, of North Carolina, remarked that it was evident they would not get through the bill that day, and he therefore moved that the committee rise. Lost.

The debate was further continued by Messrs. ASHLEY, WHITE of Florida, and MCKEON, in support of the amendment; and it was then adopted: Yeas 96, nays 40.

Mr. HARDIN moved to amend the first section by adding the following: "In the same manner as the militia of the several States and Territories are now appointed and commissioned; and as militia, said mounted men, when in service, shall be considered." Agreed to.

Mr. ADAMS moved to insert a specific appropriation of $300,000, for the pay of the troops to be employed under the provisions of the bill.

Mr. MCKAY contended there was no necessity for a specific appropriation, because the number of men was provided for and their pay was regulated by the bill.

Mr. ADAMS could not subscribe to that doctrine. He thought they might as well throw out all the specific clauses in the civil list bill, and make a general enactment for so much as was required for that branch of the service, as leave this bill without specifying the precise sum to be expended in the object of it.

Mr. R. M. JOHNSON was willing to accept the amendment.

The motion was then agreed to.

Mr. ADAMS moved a provison to the bill, that nothing therein contained should be so construed as to deprive the persons so called into the service of the United States of any privilege belonging to the militia when called into the service of the Government; which was agreed to.

Mr. WHITTLESEY moved to strike out the fourth section, providing for the payment of horses lost in the service. Agreed to.

Mr. EVERETT moved to limit the term of service from twelve months to "six or" twelve months. Agreed to.

The bill was then laid aside, and the committee took up the bill to provide for the better protection of the Western frontier.

Mr. SEVIER proposed an amendment to the bill, pending which the committee rose and reported the first bill and amendments; and, on the latter, asked leave to sit again.

The House then adjourned.

SATURDAY, APRIL 23.

DEPOSITE BANKS.

Mr. DROMGOOLE asked the unanimous consent of the House to take up the resolution, heretofore submitted by him, calling upon the Secretary of the Treasury for information in relation to the selection of the deposite banks, the agents connected with the same, &c.

Mr. LAWLER hoped the gentleman would waive his motion until he could present a petition.

Mr. DROMGOOLE had given way on several occasions in order to accommodate gentlemen, and by so doing he had been prevented from pressing his motion. He could not withdraw it, as it was important, in his opinion, that the inquiry which he proposed should be agreed to.

Mr. HAWES hoped both gentlemen would waive their motions, to enable him to call up a resolution which he had offered on the 7th of January, in reference to the West Point Academy.

Mr. DROMGOOLE declined withdrawing his motion, when Mr. LAWLER objected to it, but subsequently withdrew his objection.

Mr. ADAMS suggested to the gentleman from Virginia, [Mr. DROMGOOLE,] that his colleague [Mr. WISE] had proposed an amendment to his resolution, in which he felt much interest; and that, inasmuch as the latter gentleman was not in his seat, the proposition ought not to be pressed at that time.

Mr. EVANS objected to taking up the resolution.

Mr. DROMGOOLE moved to suspend the rule until one o'clock, in order to enable him to make a motion to take up his proposition.

Mr. HOWELL moved a call of the House, upon which Mr. WILLIAMS, of North Carolina, asked for the

yeas and nays, which were ordered, and were: Yeas 40, nays 115.

So the call was refused.

The motion to suspend the rules was then agreed to: Ayes 100, noes 33. [Previous to taking this vote, Mr. Wise appeared in his seat.]

The resolution was then read, as follows:

Resolved, that the Secretary of the Treasury be directed to communicate to this House full information of the mode and manner of selecting banks in the several States or Territories for the deposite of the public money of the United States, of all contracts, agreements, or stipulations, entered into with said banks for the safe keeping of said moneys; that the Secretary of the Treasury also state what agents have been employed, the nature and extent of their agency, and the compensation which such agents have received in any way from the Government of the United States; and that he also state what officers or agents, on the part of said banks, have in any way participated, or been instrumental, in the formation of any such contracts, agreements, or stipulations, concerning the deposite and safe keeping of said moneys in said banks.

The question pending was the following amendment, proposed by Mr. Wise:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposite for the public money; the contracts with the Treasury Department by which they are regulated, the manner in which and the persons by whom such contracts are or have been made; into all correspondence whatsoever touching contracts for the deposite of the public money; and into all connexion or relation, official or unofficial, which exists or has existed, between any person or persons and the Treasury Department, or between them and the deposite banks, or any individuals or banks, touching the custody and the control and deposite of the public money; or between any department of the Executive and any individual or individuals or banks, touching the disbursements of the public money, appropriated or unappropriated by law; and into the amount of compensation of any or all agents whatsoever, official or unofficial, connected with the said Department or said banks, touching the disbursements, safe keeping, or deposite, of the public money; and that said committee have leave to report by bill or otherwise.

Mr. CALHOUN, of Massachusetts, who was entitled to the floor, addressed the House at some length. His object in addressing the House was to submit an amendment to the amendment of the gentleman from Virginia, [Mr. Wise,] because he believed both the original resolution and the amendment as wanting. He could see no great difference between the original resolution and the amendment, except as it related to the transactions of a certain individual with the deposite banks. He proposed to amend, so as to inquire how the public moneys had been used since they had been in the deposite banks; and unless the gentleman from Virginia [Mr. Wise] was willing to make that inquiry, he should consider it a mere personal matter, which did not seem to him to be important. His amendment, if adopted, would go to show in what manner the moneys had been used since they were placed in the deposite banks, which was a matter of the greatest interest to the country, and an inquiry demanded by the people of the country, inasmuch as the whole funds of the nation were now in the hands of those banks, which he understood from a report of the Secretary of the Treasury to be at present very nearly thirty-two millions of dollars; and he believed by the end of the present year they would amount to upwards of fifty millions. This money was bringing in no interest to the Government, which he considered might be loaned out for two millions of dollars. This was the reason why an inquiry should be made into this matter; and he hoped such an inquiry would be had. The gentleman who had offered the original resolution [Mr. Dromgoole] gave, as his reasons for it, that he wished some information in relation to the subject, before the bill to regulate the deposite banks came up to be acted on. This might have been the gentleman's object; but he considered that if this had been his real object, he would have brought forward the proposition at an earlier period of the session. He found that the deposite bill was reported in the other branch of Congress during the first month of the session, and that a bill for the same purpose was reported in the House about a month ago. Now, although such was the fact, and attempts had been made to fix a day for the consideration of that bill, still no resolution of this sort was brought in for the consideration of the House, until the gentleman from Virginia [Mr. Wise] had repeatedly made attempts to get his resolution before the House. From these circumstances, he was led to believe that the resolution was not offered for the object avowed by its mover, but to prevent a searching inquiry from being made. He then went into a comparison of the original resolution and amendment, and remarked that the only material difference between the resolution and the substitute was, that the substitute proposed an inquiry in relation to the connexion of a certain individual with the banks of deposite and the Government. He considered it important that the people should know all about these money transactions of the deposite banks connected with the public revenue. He considered they had the right to examine into the manner in which the moneys had been used by the deposite banks; and if they neglected to do so, he considered they would be recreant to their duty as representatives of the people; they not only had the right to make this investigation, but were bound to do it. As they stood at present, they could have no information, except such as was laid before the Secretary of the Treasury in the monthly statements of the banks; which being made up by the banks themselves, he did not know that they were always to be depended on.

The amendment proposed to make an investigation into the connexion which a certain individual had with the deposite banks. This mysterious relation he considered most important. What was that relation? Was there a gentleman in that House who could tell what it was? Could even the honorable chairman of the Committee of Ways and Means inform them what that relation was? He had not even heard an attempt made to point out the relations of this individual between the deposite banks and the Government. Were they, then, to rest calmly, when fifty millions would be in the banks at the end of the present year, in the face of the fact that this individual had much to do with these banks? No; he wanted to know what use had been made of the public moneys. He considered an investigation all-important for the purpose of satisfying the country, because the inquiry was demanded by the people of the country. He said they were called upon by every consideration to look into this matter; and were bound to see what uses had been made of the moneys, and what security there was for the money. When the public money was in the Bank of the United States, it was found necessary on several occasions to inquire into the state of that institution, and then they had proper legal restrictions. Such being the case, how much more important was it now, that the condition of those banks should be examined into, when there were no legal restrictions. There was also another consideration which should induce them to go into this investigation; which was, that there were suspicions attached to the character of the individual who was connected with these banks by some kind of agency;

not only suspicious statements had been made in relation to him on that floor, but there was evidence which had been read to the House from the records of the House—the report of the bank investigating committee. On these considerations, he conceived they should make the examination. But there was still another, and an important reason, why the examination should be made; which was, that it was due to the Secretary of the Treasury. The Secretary of the Treasury held a very important station, and had charge of the funds of the nation, and was bound to give an account of the situation of those funds. Now, if an individual was employed by the banks who was subject to meddle with these funds, on whom suspicion rested, he considered it important that the Secretary of the Treasury should be placed in a situation to show that he had no intercourse with that individual. He thought the inquiry should be made for the Secretary's benefit, if not for the benefit of the House, because he considered the Secretary a most able and industrious officer, and should not desire to see any suspicion attached to him. The inquiry was due to him and to the country. There was also a clause in the constitution which provided that no money should be drawn from the Treasury but in consequence of appropriations made by law; and if it was a fact that an individual or individuals drew moneys from the deposite banks, in consideration of the use of the public moneys, he considered it a violation of this article. The Government had always been in debt, until within a short time, when we arrived at an unexampled state of prosperity. But if the corruptions which were frequently spoken of were to creep in, and the moneys to be used for such purposes, he considered that a national debt would have been a national blessing, compared with that state of affairs.

Mr. C. then submitted his amendment to the amendment, namely, "the manner in which the public moneys have been used, and the security received for the same."

Mr. WISE accepted this amendment, and modified his own amendment so as to make it come in immediately after the resolution of Mr. DROMGOOLE.

Mr. BOND considered the amendment of the gentleman from Virginia [Mr. WISE] should prevail. He went into an examination to show how much money had been lost to the Government by the failure of State institutions about the time of the late war, and argued that such a state of things might again come to pass. He also contrasted the condition of the finances of the country during the time the United States Bank had possession of the public deposites with the present time, and contended that the Bank of the United States performed the service of the Government much more satisfactorily than it was now performed.

The remarks of Mr. BOND were arrested by the arrival of the hour of one o'clock.

Mr. McKAY moved to suspend the rules for one hour, for the purpose of resuming the consideration of the bills authorizing the President to accept the service of volunteers, and for the better defence of the Western frontier.

Mr. WHITTLESEY called for the yeas and nays; which were ordered, and were: Yeas 92, nays 82.

So the House refused to suspend the rules.

The House then proceeded to the consideration of private bills.

The bill providing for remunerating Benjamin Murphy, of Arkansas, for property seized or stolen by the Indians, coming up—

Mr. REYNOLDS said that the bill, as he understood it, presented a claim on the Government for compensation for damages done by the Cherokee Indians; that the Government had moved these Indians west, and located them in such a situation that the inevitable consequence was, that they would commit a trespass on the property of the claimant. If the Government was the means by which the individual lost his property, it ought to be accountable for it; but if the property was destroyed by the man's own imprudent acts, without the agency of the Government, then he ought to be the loser himself. It is admitted the Indians committed the trespass, and it was by the act of the Government, moving the Indians to that region of country, that the outrage was done. To excuse the Government from paying for this damage, which was caused by their agency, the gentleman from Ohio [Mr. VINTON] says this claimant was a trespasser on the lands of the United States; had placed himself out of the pale of protection of the Government, and thereby ought not to have relief. By an old act of Congress, that has by time and public opinion become obsolete, and, he might say, almost void, these citizens settling on the public lands might be called, and no more than called, trespassers. They are, in fact, not trespassers. Public opinion long since has discarded this notion. No one in the West considers these individuals on Congress lands as trespassers. They are respectable citizens, many of them, and in every respect entitled to the privileges and immunities of other citizens. The American Congress so considers them. Preemptions to secure these meritorious citizens in their labor and improvements have been passed from time to time, and continued in force for many years. It is the settled policy of the Government; and Mr. R. said he hoped it would always remain the liberal and enlightened policy of the country. He hoped the claimant, because he was settled on the land of the Government, would not be placed in a worse condition than the gentleman [Mr. VINTON] would be in the State of Ohio, settled on his own soil, if the Indians, by the agency of the United States, had committed a trespass on his property. The gentleman [Mr. VINTON] said that it was the encroachment of the whites on the Indians that caused these Indian wars, which cost the Government so much money. He instanced the Black Hawk war. Mr. R. said he would state the facts in relation to the last-mentioned war, as he had an intimate knowledge of the war, and the facts that led to it. The Government had purchased of the Sac and Fox Indians, of which tribes Black Hawk and his band formed a part, the whole country which was invaded by the hostile Indians. These Indians had not one foot of land on the east side of the Mississippi river. They were, in a public council the year before at Rock Island, made acquainted with their rights, and the view the Government had taken of the whole transaction. They were in a friendly manner cautioned against again crossing the river to the east side, in violation of their agreement and the wishes and advice of the United States. They in a most solemn manner pledged themselves not again to violate the command of the Government by recrossing the river to the east side. Early in April, 1832, they, in violation of that pledge, and contrary to the command of the Government, crossed the river to the east side, where they had not any land, and no well-founded claim to it. It is true, Black Hawk and a part of his band claimed their portion of the land on the east side of the Mississippi, as they said they never had sold it. They were cheated out of it, &c. The nature of this claim, in 1831, in the council at Rock Island, before mentioned, was explained to them, and made them understand that the Government could not be bound by it. They had surveyed part of it, and had actually sold some of it to her citizens. The country did not belong to the Indians. Instead of the white population intruding on the Indians, the reverse of the statement was the fact. The Indians invaded and intruded themselves on the whites; the whites resisted, as they had a right, and were in fact bound to do. Thus the war of 1832 commenced. It was the aggressions of the Indians that caused it. The Winneba-

goes actually, in 1832, sold out all their lands and possessions south of Wisconsin, and agreed to move away and never return. This will be seen by a reference to the treaty made at Rock Island, in the State of Illinois, in that year. If they return, they are intruders and trespassers on the lands and possessions of the whites. If any difficulty should arise, they are the trespassers, and must abide by the consequences. If war ensue, the wrong commenced with themselves. The policy of the Government is correct in moving them away from the whites. No other policy will preserve them at all. If the Indians will violate this humane and benevolent view of their condition taken by the United States, and return among the whites in violation of the treaty, they must expect to receive rough treatment. It will surely be the result of their rash and unwise course of conduct. Let the evil be with them.

After taking up and considering several other private bills,

The House adjourned.

MONDAY, APRIL 25.

The unfinished business of Monday last was taken up, being a motion to excuse Mr. UNDERWOOD from voting on laying an appeal on the table, taken by Mr. WISE from a decision of the Chair, that a memorial presented by Mr. SLADE, against the admission of Arkansas into the Union, on the ground of the toleration of slavery, went, under the order of the House, to the committee appointed under the resolution of Mr. PINCKNEY.

Mr. UNDERWOOD was then excused from voting, and the motion to lay the appeal on the table was carried: Yeas 127, nays 62.

The next subject in order was an appeal of a similar character, taken by Mr. SLADE, on the 11th instant, from a like decision upon a petition presented by Mr. S. on that day.

Mr. SPEIGHT, in order to put an end to the discussion on the appeal, moved that it be laid on the table, together with the subject connected with it.

Mr. WISE had received a letter from certain persons connected with the Bristol College, which denied that they had signed any memorial in reference to slavery in the Territories.

Mr. SLADE had not stated that the persons alluded to had signed the memorial which he presented from Bristol.

Mr. MORRIS asked for the yeas and nays on the motion to lay on the table; which were ordered.

Mr. ADAMS had in his possession similar petitions, and inquired of the Chair what would be the effect of laying the appeal on the table, and whether or not the petition would also be laid on the table or go to the select committee?

The SPEAKER replied that, if the motion to lay the appeal on the table prevailed, it would carry with it the whole subject; and that the action upon the petition would be suspended, subject to the point of order upon the appeal, and would remain suspended until the House should take up and decide the point of order arising upon the appeal.

The question was then taken, and the appeal was laid on the table: Yeas 110, nays 63.

PROCEEDS OF THE PUBLIC LANDS.

The House resumed the consideration of the resolution of the Kentucky Legislature, in favor of a distribution of the proceeds of the sales of the public lands.

The question pending was the motion of Mr. WILLIAMS, of Kentucky, to refer the resolutions to the Committee of Ways and Means, with instructions to report a bill for the distribution of the proceeds aforesaid among the several States, for purposes of internal improvements and education.

Mr. HAWES rose to proceed in the remarks which he had heretofore commenced.

Mr. WILLIAMS, of Kentucky, contended that, by giving way for other business on former days, his colleague had waived his right to the floor; and that, under the rule, he could not again address the House until every other member had spoken, who chose to do so.

The sense of the House was taken, and it was decided, without a count, that Mr. HAWES was entitled to the floor.

Mr. HAWES then rose and addressed the House as follows:

Mr. Speaker: Since I had the honor to address the House, three weeks ago, my friend from Ohio [Mr. STORER,] has taken occasion to answer in Committee of the Whole the remarks which I made in the House, although it was known to himself and the other members that I had not concluded my remarks, but was prevented by the rules of the House from so doing; the effect of which is, that the speech of the gentleman has gone out in answer to one which is as yet unfinished. I therefore ask the permission of the House to answer the remarks of the gentleman from Ohio, although contrary to the rule of proceeding here.

The CHAIR stated that, as he was not permitted to do so by the rules, he must put the question to the House.

The question being then put, and leave being granted to Mr. HAWES to proceed, he spoke as follows:

Mr. Speaker, I must express my thanks to the House for the favor they have granted me; for otherwise I could not have replied to the remarks of the gentleman from Ohio. The speech of the gentleman, which I have seen in pamphlet form, is the most singular article of the kind that has ever come under my observation. It purports on its face to be a speech in answer to mine, in relation to the military conduct of General Harrison during the late war; yet, when it is opened and examined, the greater part is taken up by certificates from other individuals; and the best designation I can give it is the certificate speech of my friend from Ohio. There are more certificates in that speech than are usually appended by physicians to a patent medicine, which they wish to recommend to the public; and hence I shall apply another name, and call it the patent medicine speech. It has been truly and justly observed by one now high in power and station, when applied to for a certificate of good military conduct, that a good officer was always injured by certificates, for actions spoke louder than words; and it brought suspicion on him, by inducing men to doubt on the subject. I ask, if any one ever thought of obtaining certificates of character, unless there were good reasons to doubt that character? Certainly not. What would be thought of a female who would go into the world to procure vouchers of good character? Why, sir, that serious charges and reasons for suspicions rested on her chastity and virtue; and is not the reputation of a military man as delicate as that of a female? Most undoubtedly it is; and yet, in years that are past and gone by, this long list of certificates were obtained to support General Harrison as a renowned commander; and it needs no comment.

But, again: I discover that these certificates are presented as coming from colonels, majors, generals, &c., when it must be recollected that, during that period of the war, these gentlemen did not hold these high offices, but were subordinate officers under General Harrison; and that at subsequent periods they received their higher grades on the list of the army. At the time these certificates were given, the signers stood very much in the

same relation to General Harrison in which my friend from New York [Mr. GRANGER] now stands, that of lieutenant or second in command. They were his mere subordinates, and dependent on him to a certain extent: and I mention this, not in disparagement of them, but that they may not go out with other and higher titles than, in truth, existed at the time. I ask my friend from Ohio [Mr. STORER] if he can inform this House why the name of the commander of the fourth regiment at Tippecanoe—that regiment which discharged its duty so gloriously on that occasion—was not appended to the certificates. Here are the names of all the subalterns, but where is the name of General Boyd, the gentleman's own uncle, and the commander of that regiment? It is not here; simply because he could not conscientiously sign a paper so different from his belief and convictions; and I appeal to many members on this floor, whom I could name, for the truth of what I assert. He entertained no such opinion of the military conduct of General Harrison, and hence did not certify.

The gentleman has said that I should have left the defence of the militia of Ohio, from the charge against them by General Harrison, to some member from that State. I will tell that gentleman that I have a warm feeling for the reputation of the people of Ohio; for they are our brethren; and when I see the standing of a sister State rudely assailed, and that, too, by an individual now a candidate for their votes as President of these United States, I, as a Kentuckian, shall make an effort (however humble it may be) to disprove such insinuations, and place that brave and patriotic people in a true situation, the charges made by General Harrison against them to the contrary notwithstanding. But enough of this; for it is truly painful to feel it a duty to speak of things which are past and gone by, and I do hope that neither the gentleman from Ohio nor my colleague [Mr. HARDIN] will again bring me in a position where it devolves on me, as a representative of a truly patriotic and high-minded people, to set them right on this or any other subject.

Mr. Speaker, the people of Kentucky are called on to support General Harrison and Francis Granger, Esquires, in preference to Martin Van Buren and Colonel Richard M. Johnson. Of the latter I need say nothing; for his military and civil labors have given him an almost universal acquaintance with the people of Kentucky. For twenty-nine years he has been a member of Congress, and during that period has been the stern and unwavering advocate of the people's rights. His Sunday mail report, and his effective labors against imprisonment for debt, to say nothing of his exertions for the soldiers of the revolutionary and late wars, have given him a reputation which nothing that an humble individual like myself could say could add to or diminish. But, in relation to Mr. Van Buren, upon whom so much vituperation and abuse have been lavished, I will detain the House but a few moments. And who is Martin Van Buren? A man who, through the whole course of his life, has been identified with the republican party, and on that account has drawn down on his head the most determined and persevering hatred of the aristocracy; a man against whose private character and moral worth not even a breath of slander has dared to approach. He was a son of an humble farmer in New York, who, at a subsequent period, kept a house of entertainment at Kinderhook, and through his long political career has not forgotten that he was truly and emphatically one of the people, and the deadly enemy of aristocracy, in any and every shape by which it might approach our free institutions. He has passed through almost all the stations in the gift of the people; and who dare assert that he has ever been unfaithful? The first office he was called on to occupy was the humble but responsible one of surrogate, or judge of probate, in his native county. Next, he was elected a Senator in the Legislature of New York, where he continued two terms; and, while there, was the unwavering advocate of the war, and was the author of many patriotic addresses which issued to the country, calling on the people to sustain the honor, the rights, and the glory of the Union, against their powerful and vindictive foe. At a subsequent period, Martin Van Buren was appointed attorney general of his State, and afterwards by Mr. Madison to prosecute General Hull for his inglorious surrender at Detroit. When the convention for revising the constitution was demanded, he was a resident of a federal county, where he, as a republican, could not hope to be chosen; but such was the necessity for his public services, in the opinion of the people, that a county one hundred miles off elected him a member of the convention, and he nobly rewarded their well-placed confidence. At that time no man was allowed to vote unless he possessed a freehold to the value of $250, which disfranchised nearly one half of the whole population; and by his persevering and indefatigable efforts, and his untiring zeal in the cause of free suffrage, this odious principle of a property qualification was eradicated from the constitution of New York. Mr. Van Buren was twice elected a Senator in Congress by the Legislature, and, before his second term expired, was elected Governor by a greater vote than has ever since been awarded to any one; and, while discharging the high and onerous duties of that station, was appointed by our illustrious Chief Magistrate Secretary of State. Sir, at a subsequent period he was appointed, by the same authority, our minister plenipotentiary to the court of Great Britain, whence, as is well known, he was recalled by the Senate, without a single charge against his ability or fidelity. When thus recalled, the people of this Union felt their rights outraged and compromised, and elected him, by an overwhelming majority, Vice President of these United States, the station which he now holds. Let any man, who is not blinded and prejudiced by party, examine his conduct through all the various stages of his public services, and he will find that he has fulfilled the high trusts which have been reposed in him, with honor to himself and benefit to the country. And with these facts before his eyes, my colleague [Mr. HARDIN] invokes the people of Kentucky to refuse their votes to this tried patriot and republican, and to give them to General Harrison, who has ever been arrayed against the democratic party of this Union. I will not, I cannot, believe that such will be the result.

Mr. Speaker, I have departed from the subject of the resolutions, in order to answer other gentlemen; and I shall now say a few words in relation to them. The one proposition is to divide the proceeds of the public lands among the States, for the purpose of education and internal improvement; and the other, which stands in opposition, is the project of the able and indefatigable representative from Illinois, [Mr. CASEY,] who is ever attentive to the trust reposed in him by his constituents, to graduate the price of the lands, and thus open a door to their actual settlement by the hardy yeomanry of the land. Believing, as I do, that the first proposition will prostrate the interests of the West, make that portion of the Union tributary and subservient to the Eastern and Southern States, and paralyze the arm of exertion and industry, without corresponding benefits, I am forced to vote against it. I am a Western man. I represent a portion of the people of that country, and (though there are no public lands in Kentucky) I cannot be instrumental in prostrating the interests of our sister States; to bind, manacle, sell, and deliver them over to the balance of the Union. Let the other States but once revel in the spoils wrested from the West, and where is the remedy

in case we should wish to reduce the price of the public lands? Shall we act on the principles of the monarchies of Europe, keep large forests and hunting grounds, to be the abode of beasts of prey? or shall we, for a small consideration, open them to the actual occupation of the honest farmer and his family?

This is the true question to be decided; and, for myself, I would prefer to see the land occupied by a prosperous and industrious population, surrounded by peace, plenty, and happiness, with the glorious privilege to say, this is my own, and no one can wrest it from me, than draw from them and their little ones their hard-earned dollars, to be lavished in wild and reckless profusion among the States of this confederacy. The people should never be taxed to a greater amount than is actually necessary for an economical Government; and whenever the receipts exceed the expenditures, the burdens ought to be removed to that extent. I will not, by any vote of mine, ask the people to look up to the General Government as superior to themselves; or, in other words, I will not recognise the claim of the Government to collect more from the people than is actually necessary for authorized and constitutional purposes. I cannot recognise the right of Congress to say to the States what they shall and what they shall not do with the dividends. They shall not say to us—do this, and do that; spend this amount in internal improvement, and that in education. Sir, this education is another scheme of the aristocracy to appropriate the whole to their own benefit. The schools will be established in the towns alone, and no provision made for the country; and hence the great body of the people will receive no benefit, while the wealthiest portion of the community reap the whole. I need dwell no longer on this subject, for the weakest mind can discover its operation at the first glance; and that operation will be to make the rich richer, and the poor poorer; to throw abundance into the lap of wealth, and take away the hard-earned and scanty subsistence of poverty; the amount of all which is, that the many become dependent on the few, and thus destroys equality of rights and privileges, and drives liberty from our happy and prosperous land. Mr. Speaker, here is the last foothold and resting place of liberty in this world; it is the only land where men enjoy rights and privileges on equality; it is the home of the oppressed of all nations, climes, and countries; and, for myself, I will not aid in the subversion of this glorious fabric, so nobly sustained by our ancestors, and so generously handed down to us for preservation.

APPROPRIATION BILLS.

In further execution of the special order of the 26th of January last, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. SUTHERLAND in the chair.)

Mr. CAMBRELENG moved to take up the bill making further appropriations for the repression of Indian hostilities in Florida.

Mr. MERCER inquired of the Chair whether the special order embraced this bill, and whether the effect of that order was prospective as well as retrospective.

The CHAIR referred to the resolution of 26th January, and said it embraced all the appropriation bills for the expenses of the various departments of the Government.

Mr. MERCER merely made the inquiry, and should not press a question of order upon it.

The committee then took up and considered the bill reported this morning, providing for the repression of Indian hostilities in Florida.

[The bill was read; it appropriated the sum of one million of dollars for the purpose.]

Mr. CAMBRELENG made a brief explanation, that of the former appropriation only $487 remained; when the bill was considered, ordered to be laid aside, and reported to the House without amendment.

On motion of Mr. CAMBRELENG, the committee then took up the bill providing for the salaries of certain officers therein named.

[This bill provided for the payment of the salaries of such extra clerks as are now employed in the various departments, and whose compensation was not provided for in the civil list bill, the Committee of Ways and Means having included in that bill only such clerks and officers as were already provided for by law.]

Mr. CAMBRELENG moved a reduction of the item for clerks in the office of the surveyor general of Illinois and Missouri from $4,820 to $2,820, on the ground that the balance was provided for under the civil list bill; agreed to.

Mr. BRIGGS moved to strike out the following words from the first clause: "that being the sum heretofore allowed him in the appropriation bills;" agreed to.

Mr. ADAMS moved that the same words be stricken out of the bill wherever they occurred, on the ground of their being surplusage; agreed to.

Mr. CAVE JOHNSON moved that the two extra clerks in the Treasury Department be allowed an annual salary of $1,150 and the other $1,000; agreed to.

Mr. CAVE JOHNSON moved to strike out the clause appropriating $1,000 for the salary of an additional clerk for the Navy Department; agreed to.

Mr. McKAY moved to strike out the words "commencing with the present year," wherever they occurred in the bill; agreed to.

Mr. JOHNSON, of Louisiana, moved an additional clause to the bill, providing an annual salary of $2,500 to the surveyor general of the United States for Louisiana, and to the registers and receivers an additional $1,000 during the time they are employed in attending to private land claims.

Mr. CAMBRELENG explained, that this was a mere supplementary bill to the ordinary appropriation bill, and provided for no increase, nor for any new salary, nor indeed for any appropriation not heretofore provided for.

Mr. ASHLEY moved to add the words "Missouri and Illinois" after "Louisiana," in the amendment.

Mr. SEVIER suggested "Arkansas" also.

The amendment to the amendment was rejected.

Mr. CAVE JOHNSON suggested to the mover of the amendment to withdraw it, and, if necessary, the provision could be introduced in a separate bill; whereupon,

Mr. JOHNSON, of Louisiana, withdrew the amendment.

Mr. ASHLEY moved to amend the amended clause for the clerks of the surveyor general of Illinois and Missouri, by increasing it from $2,820 to $3,820; agreed to.

Mr. CAMBRELENG moved a general provisional clause to the bill; which was agreed to.

Mr. JOHNSON, of Kentucky, moved an additional clause, providing for the employment of six extra clerks and one messenger in the quartermaster general's office; which, after some remarks from Messrs. R. M. JOHNSON, CAMBRELENG, CAVE JOHNSON, and VINTON, was agreed to.

Mr. BELL, from the Committee on Indian Affairs, moved an additional clause, authorizing the surveyor general at St. Louis, Missouri, to employ two clerks in his office; the one at an annual salary of $1,000, the other at $800; which, after a few words from Messrs. BELL, CAMBRELENG, ASHLEY, and CAVE JOHNSON, was agreed to.

Mr. HARRISON, of Missouri, moved to insert an item of $1,000 for the payment of costs of certain suits decided against the United States in Missouri and Florida, (the same amendment moved by Mr. H. to the civil list bill;) lost.

The bill was then laid aside, and the committee took up the bill making appropriations for the Indian department for the year 1836, for Indian annuities, &c.

Mr. CAMBRELENG, from the Committee of Ways and Means, proposed sundry amendments for carrying into effect the stipulations of various treaties with the Senecas, Choctaws, &c., and expenses arising from entering into said treaties; which were agreed to.

Mr. GARLAND, of Louisiana, moved an additional item of $80,000, for the purpose of carrying into effect the provisions of the treaty with the Caddo Indians; agreed to.

Mr. LYON moved an item of $2,327 12, to pay Colonel David Brierly for provisions purchased by him, and applied to the use of the Indians; which, after a few words from Messrs. LYON, CAMBRELENG, BELL, and EVERETT, was agreed to.

Mr. BELL, under direction of the Committee on Indian Affairs, moved two additional items, viz: to defray the expense of removing certain Indians residing south of the Wisconsin, $40,000; and to defray the expense of holding treaties with certain Indians in the Green Bay district, $20,000; agreed to.

Mr. EVERETT, from the same committee, moved an additional item of $2,000, to defray the expense of holding treaties with the Indian tribes, for the purpose of extinguishing certain Indian titles in Missouri; agreed to.

Several additional items were agreed to, on the motions of Mr. ASHLEY and Mr. BELL, and the bill was laid aside.

The committee then rose and reported the foregoing bills, as amended, to the House.

The bill making a further appropriation for suppressing Indian hostilities in Florida, reported without amendment, was then ordered to be engrossed for a third reading; and, having been engrossed, was read a third time and passed.

The House also concurred with the committee in their amendments to the Indian appropriation bill, and it was ordered to be engrossed for a third reading to-morrow.

The bill providing for the salaries of certain officers therein named was then taken up, and all the amendments concurred in by the House except that providing for additional clerk hire in the quartermaster general's department.

Mr. McKAY said, if the amendment should be adopted, he should move a proviso to prevent the employment of commissioned officers as extra clerks in the bureau.

Mr. R. M. JOHNSON hoped there would be no objection to such a modification.

Mr. McKAY moved his proviso, and it was agreed to, *nem. con.*

The amendment was then discussed by Messrs. CAMBRELENG, R. M. JOHNSON, and CAVE JOHNSON, when it was agreed to—ayes 86, noes 40—and the bill was ordered to be engrossed for a third reading to-morrow.

Mr. CAMBRELENG gave notice that the next bill he should propose to take up would be the army appropriation bill, to which he intended to move some important amendments.

On motion of Mr. W. K. FULLER,

The House adjourned.

TUESDAY, APRIL 26.

Mr. GLASCOCK rose and remarked that he felt it to be his duty, whatever might be the result, to renew the motion made by the gentleman from Virginia, [Mr. WISE,] yesterday, to have read a letter from the faculty of Bristol College, Pennsylvania, in reference to a correspondence of the Philadelphia Enquirer, which purported to give an account of a petition presented by Mr. SLADE, from Bristol, against the admission of Arkansas into the Union. He made the motion as an act of justice to the faculty of this college.

The CHAIR desired first to ascertain whether the reading of the letter was objected to.

Mr. GLASCOCK was satisfied, if he was permitted to state the purport of the letter, no person would object to the reading.

Mr. WISE said it was at his request, and also at the instance of the gentleman from Georgia, [Mr. GLASCOCK,] that the motion had been made. He hoped it would be read.

Mr. ADAMS objected to the reading of the letter, until the House decided whether or not they would receive petitions of the character alluded to.

Mr. GLASCOCK moved to suspend the rule for the purpose of having the letter read, and asked for the yeas and nays on the motion.

The CHAIR requested Mr. G. to reduce his motion to writing.

Mr. GRANGER inquired whether there was before the House any petition to which the letter related.

The CHAIR replied that the petition referred to was suspended upon a point of order.

Mr. GLASCOCK's motion was then read, as follows:

"That the rule be suspended for the purpose of offering and having read a letter from the faculty of Bristol College, Pennsylvania, disclaiming having ever signed any memorial remonstrating against the admission of Arkansas with slavery attached to her; and if their names appear to such, they were forgeries."

Mr. REED was not aware that any such memorial had ever been presented to the House.

Mr. ADAMS moved to amend the motion by adding, "and that the memorial to which the letter refers be also read."

Mr. SEVIER said this was a matter of much delicacy, and in which his constituents were most interested. He had sat in his seat and silently witnessed the course pursued in reference to this subject. He felt it to be his duty to move to lay the whole subject on the table.

Mr. GLASCOCK was as anxious for the admission of Arkansas as the Delegate from that Territory.

The motion of Mr. SEVIER was then agreed to without a count.

PUBLIC DEPOSITES.

Mr. DROMGOOLE asked the unanimous consent of the House to proceed to the consideration of the resolution offered by him, calling on the Secretary of the Treasury for information in relation to the deposite of the public moneys, &c.; which was objected to.

Mr. DROMGOOLE moved to suspend the rule until one o'clock, for the purpose stated; which was agreed to.

The resolution was then taken up, the question being on the amendment of Mr. WISE, to add to the resolution a clause proposing to raise a select committee for the purpose of inquiring into the same subject.

Mr. BOND resumed his remarks on the subject, and spoke till one o'clock, without concluding.

The order of the day was then announced.

Mr. THOMPSON, of South Carolina, asked the consent of the House to offer a resolution in reference to the state of affairs in Texas; which was read.

Objections being made, Mr. THOMPSON said his object was not to press the consideration of the subject today, but to move that it be laid on the table and printed. He moved a suspension of the rules; which was not agreed to.

Mr. THOMPSON gave notice that he would renew the motion to-morrow.

Mr. STORER asked the consent of the House to present a memorial from a highly respectable meeting, held

in his district, on the subject of the condition of Texas; which was objected to.

APPROPRIATION BILLS.

The House resumed the consideration of the Indian annuity bill, in pursuance of the special order of the 27th of January.

The bill was read a third time.

The question being on its passage,

Mr. BOON rose and said that there were not sixty members in their seats; and, as this was an important bill, he moved a call of the House; which was ordered.

After a short time, all further proceedings in the call were suspended.

The bill making appropriations for the Indian department for 1836, annuities, &c., was then passed.

ACCEPTANCE OF VOLUNTEERS.

On motion of Mr. R. M. JOHNSON, the House then took up the bill authorizing the President of the United States to accept the service of volunteers, reported from the Committee of the Whole with sundry amendments.

The question was on concurring with the committee in their proposed amendments.

The most material were the following:

SEC. 1. Limiting the term to "six or twelve months," and adding to the section the following words, within brackets:

"Commissioned officers shall be appointed in the manner prescribed by law in the several States and Territories to which such company or companies shall respectively belong, [in the same manner as the militia of the several States and Territories are now appointed and commissioned; and as militia, said mounted men, when in service, shall be considered: *Provided*, That the power vested in the President by this act shall be exercised only in the cases enumerated in the eighth section of the constitution, that the number of volunteers whose services may be accepted, pursuant to this act, shall not exceed ten thousand rank and file, and that this act shall continue and be in force for two years from the end of the present session of Congress, and no longer: *And provided, also*, That nothing herein contained shall be so construed as to deprive the officers and men who may have entered the service as volunteers under this act, of any rights, immunities, or privileges, therein secured."]

Mr. WHITTLESEY had moved to strike out the fourth section, which was in the following words:

"SEC. 4. *And be it further enacted*, That in case any volunteer above mentioned, while in actual service, shall sustain any damage, by injury done to his horse, or such other equipment as shall have been furnished at his own expense, or by loss of the same, without any fault or negligence on his part, a reasonable sum, to be ascertained in such manner as the President of the United States may direct, shall be allowed and paid to such volunteer, for each and every such damage or loss."

These amendments were severally concurred in.

The following additional sections were reported by the Committee of the Whole:

"SEC. 7. *And be it further enacted*, That there shall be raised and organized, under the direction of the President of the United States, one additional regiment of dragoons or mounted riflemen, to be composed of the same number and rank of the officers, non-commissioned officers, musicians, and privates, composing the regiment of dragoons now in the service of the United States, who shall receive the same pay and allowances, be subject to the same rules and regulations, and be engaged for the like term and upon the same conditions, in all respects whatever, as are stipulated for the said regiment of dragoons now in service.

"SEC. 8. *And be it further enacted*, That the sum of three hundred thousand dollars, required to carry into effect the provisions of this act, is hereby appropriated, out of any money in the Treasury not otherwise appropriated."

On the question of concurring with the committee in this amendment,

Mr. HOWELL asked for the yeas and nays, as he wished to record his name against it; and on ordering them to be put, there appearing—Ayes 25, noes 61—no quorum—

Mr. ASHLEY moved a call of the House; which was ordered; and on going through the first call, 133 members answered to their names.

Mr. R. M. JOHNSON then moved to dispense with the further proceedings of the call; lost.

Mr. VINTON moved that the House adjourn; lost: Ayes 50, noes 71.

Mr. ASHLEY moved that the further proceedings of the call be dispensed with; lost, and the call was proceeded with.

Several other members having answered to their names,

Mr. BOON said an experience of several years had taught him that a call of the House could never be carried out; and he therefore moved that the further proceedings of this call be dispensed with.

Mr. CLAIBORNE, of Mississippi, moved that the House adjourn.

Mr. LANE asked for the yeas and nays; which were ordered, and were: Yeas 36, nays, 108. So the House refused to adjourn; and the question recurring on Mr. BOON'S motion,

Mr. ADAMS asked leave to move a suspension of all the rules of the House, in order to take up the joint resolution of the Senate for adjourning on the 23d of May.

The CHAIR decided the motion to be out of order pending the taking of a question before the House.

The motion of Mr. BOON was then agreed to, and the further proceedings of the call dispensed with.

The question then recurred on Mr. HOWELL'S call for the yeas and nays on the two additional sections; which were ordered.

Mr. HAWES then moved to add a proviso to the bill, providing that not more than one third of the officers of said corps should be taken from those educated at the public expense at the West Point Academy, in the State of New York. Mr. H. briefly addressed the House on the subject of the West Point Academy, and the great injustice done to the citizens of the West by excluding them from appointments in the army, and conferring them exclusively upon the graduates of that institution.

Mr. ASHLEY said his remarks in support of his amendment should be brief. His views on the subject of protection to the Western frontier were, he presumed, pretty well understood, and he had the pleasure of believing the committee would sustain his proposition. Mr. A. had repeatedly called the attention of the House of Representatives to the numerous and accumulating tribes of Indians on the borders of Missouri and Arkansas, the feeling they entertained towards the United States, and the defenceless condition of that frontier. Recent occurrences in the South and Southwest had increased the perils to which our citizens in that quarter have been heretofore exposed. It therefore became his duty, as one of the Representatives of Missouri, to call upon Congress for additional means of defence.

Hostilities had not actually commenced, but the feeling is there, and a single spark might set that whole frontier in a flame; in which event, the indiscriminate slaughter of men, women, and children, within striking distance, would be the result, unless we shall have an adequate military force constantly on the spot, to keep in

check an infuriated savage foe until such aid as is contemplated by the original provisions of your bill could be brought to their rescue. Infantry alone would not answer the purpose. They are the proper troops to garrison the necessary forts, and might protect the inhabitants of their immediate neighborhood; but when rapid movements in a wilderness country became necessary, to operate against our Western Indians, infantry would be of no avail. Mr. A. said we have a striking and melancholy illustration of this fact in our military operations in Florida against the Seminoles, where for months we have had from fifteen hundred to five thousand troops in the field, under the command of the most experienced and distinguished officers, contending against some six or seven hundred Indian warriors, and as yet we have no tidings of the subjugation of the enemy; on the contrary, the Indians have been the victors in almost every rencounter. Mr. A. would ask why it was so. The question is easily answered. We were not prepared for the emergency; we have had in the field ten times the number of troops necessary, had they been of the proper description. Five hundred experienced dragoons or mounted riflemen would have put an end to the war in the onset. It never would have existed, had five hundred such troops been stationed in proper time upon that frontier. They would have saved not only the valuable lives and property of your citizens, but your millions of money expended in the prosecution of that war.

On the question before the committee, Mr. A. felt that he occupied a most responsible attitude. He represented in part the citizens of a State deeply interested in the results; they were looking to Congress with intense anxiety, and more particularly to their delegation, whose duty it is to represent their perillous situation, and to endeavor to provide means for their security. His amendment was intended to effect that object; and, from facts in possession of every member of the committee, he was surprised to find any opposition to it. Gentlemen opposed to this measure had not witnessed scenes and the expression of feeling that had on similar occasions come under the personal observation of Mr. A., or perhaps they would entertain some doubts as to the propriety of raising only one additional regiment of mounted men; they were informed, however, that a force of twenty thousand Indian warriors could be brought in a few days to bear upon the frontier, extending from Red river to the upper Mississippi; that twenty thousand more are to be found between that frontier and the Rocky Mountains; that the country a few days' march from the borders of Missouri and Arkansas abounds in game; that any number of Indians might subsist themselves at almost any one point, with the greatest convenience. And Mr. A. would add, that the Indians of that region are well mounted, and generally well armed; they are, too, among the best horsemen on earth, and have a theatre on which to act something like a thousand by twelve hundred miles in extent, embracing a part of the Rocky Mountains, which would at all times afford them a safe retreat, if pursued by troops less experienced than themselves in penetrating rugged and lofty mountains. With these facts before us, the existence of which there can be no doubt, it is for the committee to determine as to the number and description of troops necessary for the protection of that frontier. The people of the adjoining State and Territory, upon whose borders the Government have recently located some forty thousand discontented Indians, and intend adding to them, as soon as practicable, nearly double that number, have certainly a right to ask, or even demand, security against the danger to be apprehended from such locations. Mr. A. would consider a force less than two regiments of dragoons or mounted riflemen inadequate to that object, and as virtually saying to the people of that frontier, you must take care of yourselves without the aid of the Government.

Objections were raised, on the ground that the measure proposed by his amendment had not been recommended by the Secretary of War, nor had the Committee on Military Affairs made any report on the subject. Mr. A. said this was true, and he should not attempt to account for the absence of such documents. He could state, however, that he had frequently conversed with the Secretary of War on the subject of protecting the Western frontier, and knew his opinion to be in favor of mounted troops for that purpose, and gave the preference decidedly to dragoons. The Secretary is also of opinion that an immediate force is necessary for the safety of that frontier, as may be seen on referring to his report of the 19th of February last.

Mr. A. had followed the memorial of his constituents of Clay county, which he had the honor to present to the House, asking for additional protection to the Western frontier, to the Committee on Military Affairs, and there urged a report in favor of an additional regiment of dragoons, with such other aid as might be deemed expedient; and he had hoped the committee would have reported accordingly. They had, however, declined doing so; but intended, as he understood, to recommend, at a proper time, other means to afford the desired protection. Mr. A. was convinced the plan they proposed could not effect the object. He was therefore under the necessity of submitting his proposition for the consideration of a Committee of the Whole House, and he had no doubt of its success.

Some gentlemen seem to entertain fears as to the appointment of officers for this regiment. Mr. A. had the highest confidence in the President of the United States in the organization of that corps, and preferred leaving the appointments entirely to him. He had done ample justice to the dragoon regiment now in service, and would no doubt be equally careful in organizing the one now in contemplation, should the bill pass.

Mr. A. would not detain the House longer on the subject of his amendment; but, while occupying the floor, would beg leave to say a word or two on the original features of the bill. He was decidedly in favor of its provisions. He thought it might be attended with happy consequences if the President should be authorized to accept the services of some thirty or forty thousand volunteers, to be called into service when necessary, for a term not less than twelve months. Such men, and such alone, would tender their services as could conveniently serve for that period; they, too, would equip themselves, and be at all times in readiness to march at a moment's warning. The three months' system of employing the militia, in cases of emergency, he thought exceedingly inconvenient, and often attended with serious consequences to the country. When the cause for which they were ordered out existed any considerable time, they were found constantly marching and countermarching to and from their homes, and the ranks of the army filled up with raw and often discordant materials. Mr. A. said he could anticipate no evil likely to grow out of the system contemplated by the bill in its original form. The volunteers were only to be called into service in the event of threatened or actual invasion, when troops must be employed for the defence of the country. He preferred voluntary services in all such cases, and thought a term of twelve instead of six months greatly preferable. Practice would make the troops more efficient. The longer, therefore, they continued in service, the more useful they would be.

Mr. A. thought the country would be in more safety if the President had at his command forty thousand well-organized twelve months' volunteers, ten thousand convenient to each of the four boundaries of the Union, any

portion thereof to be called into actual service whenever the country should be seriously threatened or actually invaded. Mr. A. thought economy as well as safety argued forcibly in favor of this system; he therefore preferred that part of the bill in its original form, but would vote for it as amended.

Mr. HAWES was as desirous as the gentleman from Missouri that this corps of dragoons should be raised, but he was opposed to the selection of all the officers from the West Point Academy, though he was willing to give them a third. The education derived at that institution was found to be of little service in a campaign against the Indians; and, for himself, he thought a corps of women would be as serviceable against Indians as a corps of West Point graduates.

Mr. WARD said he should detain the House with but very few remarks of his on the subject of the amendment to the bill under consideration. He looked upon it as one of the most important bills that had come before the House this session; and the most important feature of the bill, in his opinion, was the eighth section, which authorizes the President to raise and organize an additional regiment of dragoons or mounted riflemen, to be composed of the same number and rank as the officers, non-commissioned officers, musicians, and privates, to receive the same pay and allowances, to be subject to the same rules and regulations, and to be engaged for the like term and upon the same conditions, in all respects whatever, as are stipulated for the regiment of dragoons now in the service of the United States. The force provided for in this section would be immediately added to our present military establishment, and would afford more security to the inhabitants on our extensive Western frontier, now threatened with an attack from a savage foe, than five times their number of infantry. The country where they would be stationed, being an extensive prairie, was peculiarly well calculated for the operations of a force of this character, on account of the celerity with which they can move from post to post. Such a force, added to the regiment now stationed there, would render most essential service. By overawing the Indians, it would prevent them from making any aggressions upon our settlements, and thereby avert the impending danger of a general frontier war. The Indians, as it was well known, and as we had been warned by the experienced and vigilant gentleman from Missouri, [Mr. ASHLEY,] must see the force by which they are to be resisted in order to be deterred from hostilities. Some few of them have heard of our strength, and the extent of our resources, but generally they were ignorant or incredulous of the superiority of our force. The policy which induced that honorable gentleman to move this amendment to the bill, while in Committee of the Whole, was founded on humanity, a just estimate of the Indian character, and true economy.

In the present agitated state of the Indian tribes, it was of the utmost consequence that Congress should take such measures for the preservation of peace as would be most effective, without any regard to the expense. Experience had shown that it was much easier and cheaper to prevent Indian hostilities than to repress them. The vast expenditure of blood and treasure in the Black Hawk war, and in the war still raging in Florida, might, as we were told by men of experience and sagacity, have been prevented by the presence of a small force of a similar character to that now proposed. As a measure of economy, therefore, it seemed to him that this was decidedly preferable to any other that Congress could adopt; for, if this force was raised without delay, and stationed at the several military establishments on these borders, it would be the surest means that we could have of restoring confidence to our citizens and also of preventing the hostilities which were now apprehended.

The President of the United States, it was true, was authorized, by the first section of the bill, to accept the services of ten thousand volunteers, by companies or regiments, who might associate and offer themselves for the service, for the term of six or twelve months, to be clothed at their own expense, but to be armed and equipped at the expense of the Government, and their commissioned officers to be appointed in the manner prescribed by law in the several States and Territories to which such company or companies shall respectively belong; but it was proper to be observed that the power vested in the President by this section would only be exercised in the cases enumerated in the constitution, viz: when it might be necessary to call for the militia, "to execute the laws of the Union, suppress insurrections, and repel invasions." Now, before this force could be raised, organized, and brought into the field, the whole Western frontier of our country might be overrun and laid waste, and its inhabitants butchered. But if the section under consideration should be retained, as he trusted it would be, judging from the decided vote which it received in the Committee of the Whole, a war may be prevented, and the services of the volunteers not required; thereby saving a large sum to our Treasury, to be disposed of as Congress in its wisdom might hereafter direct. It was no part of our policy to provoke a war either with the Indians or with any other Power; and it was our bounden duty to avail ourselves of all proper means for its prevention.

It had been urged, as an objection to this section, that neither the President nor Secretary of War had recommended such a force as it proposes to raise. To undeceive those who might have supposed that the subject had not been brought to the notice of the head of the Department of War, he had to observe that, while the subject of the defence of the Western frontier was under consideration in the Committee on Military Affairs, the chairman of that committee [the honorable R. M. JOHNSON] called upon the Secretary of War for his views in regard to the best method which could be adopted for the protection of the frontier exposed to the hostile incursions of the Indians, and received, in reply, the copy of a letter addressed by the Secretary to the honorable THOMAS H. BENTON, of the Senate, wherein he says as follows: "I submit herewith a report from the quartermaster general, containing some valuable suggestions, made by that experienced officer, which I cannot but recommend to your consideration." In the report thus referred to as having been made by the gallant General Jesup, Mr. WARD found, he said, the following judicious remarks:

"Five thousand men, of whom fifteen hundred should be mounted, are necessary for the defence of this line, and it cannot safely be trusted to less. It will therefore be readily perceived that, in the views I have taken, I have had no reference to the existing military establishment; for experience has shown that it is entirely inadequate to the defence of the country. We have neither artillery sufficient for the forts on the seaboard, nor infantry and cavalry sufficient for the interior frontier. If the companies were placed on a war establishment, and provision made to arm one of the regiments of infantry with Hall's rifles, and mount it when the service should require it, complete protection might be afforded to the whole country. The expense may perhaps be objected to, but I have yet to learn that the blood of American citizens is to be estimated by dollars and cents; and if it were, that system which is most efficient will be found the cheapest in the end."

Mr. W. was gratified, he said, to find himself sustained in the views he had taken in regard to the expediency of organizing another regiment of dragoons, as also in regard to the efficiency of such a corps for this service,

by the opinion of so experienced and able an officer as General Jesup. Nevertheless, he would take this occasion to say, that he would give his vote for the proposition, were he not supported in it; for it should be remembered that we are now legislating for a district of country much exposed to the hostilities of a savage foe, and presenting a frontier, in Missouri, Arkansas, and Louisiana, of upwards of eight hundred miles, which could not, in his judgment, be safely left to the protection of infantry only. Besides this consideration, we had been called upon by the Representatives of Missouri and Louisiana, and the Delegates of Arkansas and Florida, to adopt this measure; and we were assured by them, in the strongest language, that, without such an addition to our peace establishment, their constituents will not consider themselves secure in their persons and property, both of which this Government was bound, on every principle, to protect. In respect to the expediency of this measure, it was a sufficient consideration with him that our fellow-citizens who were more immediately interested in its adoption considered it necessary for their protection.

The honorable gentleman from Kentucky [Mr. HAWES] was desirous of knowing whether the Committee on Military Affairs, of which he (Mr. W.) had the honor to be a member, have had this subject under consideration; and, if so, whether it was not rejected by that committee. In reply, he had to say that the expediency of raising this additional corps was discussed in the committee, and, after much deliberation, it was true that the committee rejected it by one vote only; but whether all the members of the committee were present at the time he was not now prepared to state. Perhaps it was proper for him to observe that he was one of the number who were in favor of the measure at that time. He was then influenced in some measure by the circumstance that, at the early period of the session, when the bill regulating the pay of the militia to be called into service in Florida was under consideration, the honorable gentleman from that Territory [Mr. WHITE] offered an amendment to that bill, providing for an additional regiment, which was supported in the House by the mover, and by the gentleman from Georgia, [Mr. GLASCOCK,] and others, and seemed to meet the approbation of a decided majority of the House. That amendment was, however, withdrawn, at the instance of the honorable chairman of the Committee of Ways and Means, with the understanding that the proposition would be renewed in a separate bill, or as an amendment to some other bill. Mr. W. regretted (he said) that the honorable gentleman from Kentucky [Mr. HAWES] had moved to restrict the appointment of graduates of the Military Academy at West Point, as officers of this regiment, with the declaration that, without this amendment, he would feel himself bound to vote against the bill. It was a restriction which appeared to him (Mr. W.) as wholly uncalled for. The gentleman apprehended that the application of the citizens of the West, who were the best qualified for the service, would be rejected, and the graduates of the Military Academy preferred to them. But there was no ground for any such apprehension. The West had its full share of officers in the army, and he would remind the gentleman that the regiment of dragoons now in the service was composed chiefly of officers from that section of country, with the gallant and distinguished Colonel Dodge at their head. Did not the gentleman consider, also, that if any of the graduates at West Point should be appointed to this corps, they are the sons of our own citizens, and are selected from every part of the country, in numbers proportioned to the representation on this floor, and that, too, from all classes of our fellow-citizens, whether they happen to be poor or rich? If there were any appointments to the dragoon regiment now in service from the graduates of that valuable and much-abused institution, they were selected as the most deserving and talented young men in our army; and selected from a class of officers who, in point of correct deportment and scientific acquirements in their profession, would bear a favorable comparison with any class of officers in this or any other country; moreover, he would ask whether it was not good policy to place young officers of promise and talent in this service, that they might, after due experience, become eminently fitted for it. Should it be the wish of the gentleman, or the pleasure of the House, to adopt this amendment, he should not, so far as regarded himself, complain of it; but still he must say that he could see no reason for its adoption. The appointing power was left by the bill with our distinguished Chief Magistrate, and he had no apprehension but that a judicious and proper selection of officers would be made. He earnestly hoped that the section under consideration would be retained, whether the amendment offered by the gentleman from Kentucky should be adopted or rejected.

Mr. BOON was decidedly in favor of this corps having the selection of their own officers, and he wished such a condition could be annexed to it. Though he had himself no particular objection to the War Department sending West Point graduates to the frontier, yet he knew they would not be well received there; and he was also convinced that they were not well qualified, by their education, to command or serve as mounted men.

Mr. EVERETT had another objection to the amendment, that it conferred upon the President the power of appointment, without the advice and consent of the Senate.

Mr. ADAMS contended that the proviso ought not to be adopted, because it would conflict with the constitution of the United States, which contained no restrictive clause as to the appointment of officers of the army. Moreover, if that House could restrict the President as to those whom he should not appoint, they could also dictate to him those whom he should appoint; a power not belonging to that body.

After a few words from Mr. THOMSON of Ohio, and Mr. MERCER,

Mr. REYNOLDS, of Illinois, asked for the yeas and nays on the amendment of Mr. HAWES; which the House refused to order; and it was then negatived without a count.

Mr. HAWES then moved a proviso, that not more than one half the commission officers of said regiment should be taken from the commission officers of the army; lost.

Mr. CHAMBERS, of Kentucky, proposed a substitute for the seventh section, viz: That the existing regiment of dragoons shall be increased to the number of 1,200, and that the companies should consist of not more than 100 men each; lost.

Mr. WHITTLESEY moved to amend the seventh section by adding, after the word "riflemen," the following words: "if, in his opinion, the security of the Western frontier requires the organization of said regiment;" and after a few remarks from Messrs. WHITTLESEY, MERCER, ASHLEY, HARRISON of Missouri, and WHITE of Florida, at the suggestion of the latter gentleman,

Mr. WHITTLESEY modified his amendment, by extending it to the "Western or Southern frontiers."

The amendment was negatived without a count.

Mr. MERCER moved to strike out the following words in the seventh section, "for the like term, and," on the ground that they were an incongruity with other parts of the bill; which, after some remarks from Messrs. MERCER, THOMSON of Ohio, ASHLEY, and THOMPSON of South Carolina, was lost.

The question recurring on concurring with the Committee of the Whole in their proposed amendment,

Mr. MERCER called for a division of the question on the two additional sections.

The question was then taken on the first branch of the amendment, being the seventh section of the bill, and it was concurred in by the House: Yeas 144, nays 32.

The question recurring upon the second branch of the amendment, being the eighth section,

Mr. UNDERWOOD moved to amend the same by inserting, after the word "enacted," the following: "that the President of the United States may disband said regiment whenever, in his opinion, the public interest no longer requires its services."

Mr. HANNEGAN asked for the yeas and nays on this amendment, but they were not ordered; and the question being taken by tellers, was decided in the affirmative: Yeas 103, nays not counted.

The clause, as amended, was then concurred in without a division.

Mr. THOMPSON, of South Carolina, moved to strike out from the first section of the bill the following words, "in cases enumerated in the 8th section of the constitution," and insert "in case of Indian hostilities, or good cause to apprehend the same."

The CHAIR decided the motion to be out of order, on the ground that the passage proposed to be stricken out had been voted in by the House.

Mr. CHAPIN moved a verbal amendment to the first section, to make it consistent with the seventh section, as to the period of time the act should continue in force; agreed to.

The bill, as amended, was then ordered to be engrossed for a third reading to-morrow; and then

The House adjourned.

WEDNESDAY, APRIL 27.

DEPOSITE BANKS.

The following resolution, reported by Mr. OWENS, from the Committee of Ways and Means, was taken up:

"*Resolved*, That the bill reported by the Committee of Ways and Means, regulating the deposites of the money of the United States in certain local banks, be made the special order of the day for the first Wednesday in May next, at 12 o'clock, provided the appropriation bills be at that time disposed of; and in case said appropriation bills be not then acted on, then on the day next after their disposition; and that the said bill in relation to the deposite banks have precedence on the first Wednesday in May next, or the day after the disposition of the appropriation bills, and the following days, over all other business, until the same is disposed of."

The resolution was amended by striking out the first Wednesday in May, and inserting the second Wednesday.

The question being on the motion of Mr. WISE to amend the resolution by embracing his resolution in relation to the deposite banks,

Mr. WISE said his object was to get his resolution before the House; and as that had been effected, he would withdraw the motion. He remarked that the subject of the regulation of the deposite of the public money in the local banks could not be acted upon without the information in relation to that subject which had been proposed to be called for.

On motion of Mr. WHITTLESEY, the further consideration of the resolution was postponed till Wednesday next.

ACCEPTANCE OF VOLUNTEERS.

The bill to authorize the President of the United States to accept the services of volunteers, and to raise an additional regiment of dragoons or mounted riflemen, was read a third time and passed.

ARMY APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole on the state of the Union, (Mr. J. Y. MASON in the chair,) in pursuance of the special order of the 26th of January.

The bill making appropriations for the support of the army for the year 1836 was taken up and read.

Mr. CAMBRELENG moved to amend the bill in the following clause: "For the armament of fortifications, two hundred thousand dollars," by striking out $200,000 and inserting $1,224,000.

In making this motion Mr. C. rose and addressed the Chair as follows:

I feel it to be a duty I owe the committee, Mr. Chairman, in presenting the first proposition to dispose of a part of our surplus revenue, to submit some views on the income and expenditure of our Government. Although I shall take the occasion to notice some charges, I can assure the committee that no personal motive could have induced me to take up a moment of their time. Believing, however, as I sincerely do, that the proposition to distribute the surplus revenue would be disastrous in its consequences, I cannot refrain from contributing even my humble efforts to arrest a measure which, if it is ever adopted, must, I think, revolutionize the character of our State and Federal Governments.

I regret, Mr. Chairman, that in discussing the important questions connected with our public defences, our federal expenditures, and the disposition of our surplus revenue, the unusual course pursued by the gentleman from Tennessee, [Mr. BELL,] on a former occasion, should oblige me to ask the indulgence of the committee, while I notice some charges which have since been published in the journals of the day. I regret, sir, that the gentleman from Tennessee, in his extensive and comprehensive speech on political principles, finances, national defence, and the policy of parties and of Governments, should have thought it a proper occasion to notice me personally, and to arraign my conduct in relation to the appropriation bills at the last and present session. In regard, sir, to the proceedings of the last night of the late session, I concur with the gentleman that it cannot be supposed "that the Speaker could possibly remember all that was said and done on that most harassing night." But there are some things which the presiding officer of the House, on that night, ought certainly to have remembered. The gentleman has charged me with gratuitously assuming that there was no quorum, when he himself announced the fact in reporting the yeas and nays on the Letcher resolutions—the very first question stated by the Chair after the committee of conference returned, and which remained on other motions still the question, when the House adjourned at half past three in the morning. Again: the gentleman has argued to prove that it was in my power to command a quorum. This, sir, is an extraordinary argument to come from the late Speaker, who was unable to command a quorum, and who, when called upon to enforce his authority and compel members to vote, declined deciding even the preliminary question of his power. The gentleman must also pardon me for expressing my surprise that he, of all others, should now endeavor to prove that the committee returned at an earlier hour than that which I stated on a former occasion. Sir, I rely neither upon my own nor the subsequent recollection of any gentleman; the journal of this House is the only evidence in which confidence can be placed. The time when the committee returned is recorded on that very journal, made up by the officer of the House, and revised, ratified, and signed, by the gentleman himself.

[Mr. BELL denied that he signed the journal—ex-

plained the difficulty of examining it—that it was, of course, not read in the House, &c.]

Sir, it is immaterial; it is made up by the officer of the House, and should be revised by the Speaker. My declaration as to the time when the committee returned is recorded on that journal; it was made in the presence of the members of the House; of the gentleman from Tennessee himself; of both my colleagues on the committee, including the gentleman from Alabama, [Mr. LEWIS,] who was present then, as he is now. That declaration was uncontradicted then, and will remain so as long as the record of our proceedings shall last.

But the gentleman from Tennessee makes another grave charge, that "the regular and ordinary appropriations for the army, navy, and fortifications, were not reported by the Committee of Ways and Means at the first of the session, nor until after the lapse of nearly a month; and after they were reported, they were permitted to sleep upon the table for more than a month before they were seriously moved."

The gentleman must pardon me for saying that his attack is unusual and extraordinary. I never, sir, should have thought of instituting any comparison between the industry of the present with any former Committee of Ways and Means, had not the inquiry assumed a dignity, by having been noticed by the late Speaker of the House of Representatives. The charge, coming from so respectable a quarter, gave me the trouble to examine our journals in the long sessions for the last ten years; and I find that these bills were never before reported in so short a time after the committees were announced. The gentleman may go back, sir, for forty years, and I doubt whether he will find an instance in which the army, navy, and fortification bills were reported as these were, in fifteen days after the committee were announced. They were announced on the 14th, and these bills were reported on the 29th December.

[Mr. BELL explained. He had not said that they were not reported as early as at former sessions, but he spoke of negligence in reference to the prospect of a French war, &c.]

There was no negligence, sir, on the part of the committee, in acting upon and reporting these bills; nor was there on my part, in calling them up. I moved the consideration of the navy bill on the 13th January, and the bill was completed in its details on that day. Anxious to adopt prompt measures of defence, the committee did not wait for the movements of the Department, but instructed me to propose an additional appropriation of one million and fifty thousand dollars for increasing our navy afloat. On that motion a debate arose. At this time the bill for the relief of the sufferers by the calamitous fire in New York reached the House from the Senate. Believing that a measure which was so urgently required would be promply adopted, I moved its immediate consideration, never supposing that a measure of that character would be fiercely resisted for two months. I am responsible for moving its consideration, but the committee well know that I am in no manner responsible for the procrastinated debate which followed.

The gentleman from Tennessee, Mr. Chairman, has thought proper to allude to my course as to the appropriation bills. I hope he will not think it unkind if I should, in return, notice his movements in regard to the navy appropriation bill. When I moved that bill on the 13th of January, the gentleman immediately objected to its consideration, and proposed to engage us in a debate upon various amendments to our rules and orders. At a moment when the question of peace or war was undecided; when, notwithstanding the subsequent discovery of the gentleman that the party in power never contemplated a war, the question was so nicely balanced as to baffle the soundest judgments; at such a moment, he proposed to set aside the ordinary naval appropriation bill, which has almost uniformly passed this House in the month of January, without debate, and which embraces appropriations for expenditures in every quarter of the globe. Sir, what was the next movement of the gentleman, when the bill came up on the 9th of February? The Committee on Naval Affairs having previously reported a bill providing for all extraordinary expenditures, I had arranged with the gentleman from North Carolina [Mr. BYNUM] to yield me the floor, that I might withdraw my motion for an extraordinary appropriation, in order that we might at once pass the bill. In withdrawing my motion, I announced that my object was to terminate the debate, and to act immediately on these appropriations, as they were urgently required for the naval service. But the moment I withdrew my motion, the gentleman from Tennessee interposed a second and an unexpected obstacle. He moved to strike out one half of the appropriations for all our navy yards, not even excepting Pensacola, which he has subsequently so eloquently defended. And what was the object of his motion? To save some three hundred thousand dollars, to provide for the contingency of a war with France! Why, sir, if that war had come upon us, these very expenditures would have been tripled and quadrupled. That motion was subsequently modified and limited to striking out one half of the provision for the Portsmouth navy yard, and a debate followed. Next came the third movement of the gentleman from Tennessee on the 16th of March. I had understood that he was about to withdraw his proposition, and I had hoped that the naval service was no longer to be embarrassed by delaying these appropriations; but, to my surprise, the gentleman withdrew his motion only to substitute another, to enable him to commence a debate on the affairs of the nation. He moved to strike out the whole appropriation for Portsmouth, not from hostility to that navy yard, but because he thought the number ought to be reduced.

Another and a long debate followed, which was terminated on the 6th of April; and when the question was finally taken the next day, the gentleman declined voting upon his own motion! And how was this explained? He had intended to modify his motion, and to submit the proposition of the gentleman from Vermont, [Mr. EVERETT,] which was to strike out sixty-three thousand, leaving four thousand dollars for repairs. The sixty-three thousand, every dollar of which was for preserving our timber, boats, and spars, was to be stricken out, and the four thousand dollars for repairs was to remain. Why, sir, leave the property of Government to perish, and repair a navy yard which it was proposed to abandon?

I shall not, sir, on this or on any occasion, impute improper motives to the gentleman from Tennessee, or any other member of this House; but he must pardon me for saying that he must not be surprised if the public should think his course somewhat extraordinary, for a professed friend of the navy, and a supporter of this administration in all its efficient measures. Nor, sir, ought he to be astonished, however pure and just his motives no doubt are, if his successive motions following this appropriation bill, as they have done throughout the session, should be connected with other movements which have had the effect to embarrass Government and alarm the country. Sir, even the bill for the support of Government could not escape. After debating it for a fortnight, and when the question was on its final passage, the gentleman from Virginia, [Mr. MERCER,] a gentleman of ability and great experience in legislation, moved to recommit it for the purpose of appending to it a provision for distributing three-and-twenty millions of the surplus revenue! a measure which, if it had been adopted, would have effectually defeated the bill for the support of Government. Again, sir, have we not had call after

call upon the Treasury for weekly and monthly statements of the balance of the public money—of the revenue from customs and lands—of the amount of public money in, and the condition of, the deposite banks? Have we not had attempts, as in 1834, to excite panic and alarm about the tottering condition of the deposite banks, and the enormous surplus of public money which was all in jeopardy? Can gentlemen be surprised if some of these extraordinary movements should be ascribed to the then approaching elections in Virginia, Connecticut, and Rhode Island? But no matter what may have been the design of gentlemen in both Houses, the effect has been to embarrass and injure every branch of the public service—to diminish the necessary expenditures of the year for the army, navy, and fortifications; and, by postponing the appropriations for the public service, to increase the surplus, the very evil gentlemen complain of, and to add some five millions to that large amount which they tell us is in jeopardy! Whatever may have been the purpose of those who are anxious for the distribution of our surplus among the States, the interest of the country has been sacrificed. Some millions have been added to the balance in our Treasury which might have been long since applied to measures indispensably necessary for our defence; and, by postponing he contracts of Government, we have now to make hem at heavily increased rates.

The gentleman from Tennessee is equally unfortunate in his attack upon this administration for its extravagant expenditures. He refers especially to the increase of those for harbors, rivers, roads, &c., from half a million to near two millions. These expenditures are of legislative and not of executive origin. If you would ascertain their origin, go to your Committees on Commerce, Roads and Canals, and Ways and Means—witness the importunities of members for appropriations for surveys and improvements of every kind. Sir, the class of expenditures referred to by the gentleman embraces the Delaware breakwater, more than ten years old, and the Cumberland road, of some thirty years' standing. No Executive can be held responsible for extravagance in public expenditures, when the legislative branch of the Government is on principle opposed to it. As well might the gentleman hold this administration accountable for the measures of that Congress which passed the Maysville road bill, or for rechartering the Bank of the United States. Mr. Chairman, the increase of the expenditures of the Federal Government is a very proper subject of inquiry, and there is no period when it is more necessary than when we have an overflowing Treasury. One of the chief causes of this increase is the extraordinary growth of our population, and the expansion of our territory; but the regulator of these expenditures, no matter what may be the economy of the executive branch of the Government, is our Treasury. They have uniformly risen with the flood, and subsided with the ebb, of our revenue. The amount expended in the first legislative year of Mr. Jefferson's administration, (1802,) was three millions seven hundred thousand dollars; in the last, (1809,) it was seven millions four hundred thousand dollars; the expenses of the navy were tripled, and of the army quadrupled; necessarily so, sir, owing to the spoliations on our commerce and preparations for war. But when we were deprived of our revenue by the restrictions of that day, we find the expenditures in the first year of Mr. Madison's administration suddenly reduced to five millions and a half. After the war was over, we had in 1816 an overflowing Treasury. We immediately had projects, as now, for new and increased expenditures of every description, which, had they been carried into full operation, would have increased our expenditures by this time to forty millions annually. We were saved from this extravagance by a sudden decline in the revenues of the country, which obliged us to reduce even our annual appropriation for the increase of the navy one half, and to curtail our expenditures in every branch. But even with all this forced economy, they were reduced only to eleven millions two hundred thousand dollars in 1820 and 1821, more than double what they had been in 1810 and 1811. In the administration of the venerable gentleman from Massachusetts, [Mr. Adams,] the expenses rose to about thirteen millions; but I cannot hold him any more accountable for the economy of a Congress which he could not control, than I should this administration for the acts of another which attempted to recharter the Bank of the United States. The ordinary expenditures of our Government are now estimated at seventeen millions of dollars. In examining the details of the increase, there will be found but one million which can be justly considered as of Executive origin, in the Indian and naval branches, and these expenditures are sanctioned by public opinion throughout the country. Sir, we have approached another crisis, when we have an overflowing Treasury, and it will require the utmost caution and prudence, to avoid embarking in the many wild schemes which we have had and shall have for emptying our Treasury. It would be well to deliberate upon them before we adopt any new contrivance to diminish our surplus; it would be wise to inquire how long we are to have an overflowing Treasury, and whether we have, or shall have for ten years to come, a surplus of revenue adequate to defray even the cost of measures which are admitted on all hands to be indispensably necessary for the defence of the country.

The gentleman from Tennessee seems to apprehend the most disastrous consequences from the measures adopted in relation to the Bank of the United States. He tells us that "the most obvious and alarming accession of executive patronage, power, and influence, which has taken place, has proceeded from the policy of the administration in putting down the United States Bank"—and that the effect has been "to put the Treasury, the money power of the country, at the absolute disposal of the Executive." These declarations come from a gentleman who voted for every measure to put down the Bank of the United States, and to ratify the removal of the deposites! Sir, the gentleman from Tennessee need not be alarmed; he and his friends may console themselves in every quarter of this Union; for, so long as this Government stands, nine tenths of those who, by law, are authorized to make the currency of the country a source of revenue, will never be found in any great contest, whether employed by Government or not, supporting those whom they know to be hostile to laws from which, in part, they derive their income. No, sir, these gentlemen will support the opposition candidates for the presidency, without reference to character, qualifications, or principles. It is but justice, however, to the institutions employed by the Government, to say, that the public money never was in safer hands, and that the financial arrangements of the Treasury were never executed with greater economy or despatch. It is difficult to understand, sir, what gentlemen mean by placing the Treasury "at the absolute disposal of the Executive," when we all know that not a dollar can be disbursed without our authority. As it regards the banks or places where the public moneys shall be deposited, and the condition on which such agents shall be employed, can we blame the Executive because Congress has neglected to do its duty? We are ready to go with gentlemen at any time into the discussion and adjustment of this question—to surround the public revenue with all practicable guards—to employ other agents than banks, if such can be found; and, for one, I should be gratified, and I believe the public interest and the interests of trade generally would be essentially served, if the Treasury were entirely to dis-

pense with the agency of banks of circulation, compelled as they are to expand and contract their credit according to the frequent fluctuations of our revenue. But, sir, I am not willing to go with gentlemen for the distribution of any portion of our surplus revenue. That there is, and probably will continue to be, a surplus which may not be required for a short time to come, cannot be denied; but it is equally certain that we have not only great and indispensable objects to apply it to, but that we are approaching a crisis in our financial affairs for which we ought now to prepare. What temporary disposition should be made of a portion of our surplus is a question full of difficulty. We must either charge the banks an interest upon it, or invest it for annual disbursement. It is a hard alternative to choose between bad measures; it is a choice of evils forced upon us by the temporary condition of our Treasury. An investment in stocks is proposed. Nothing but dire necessity should ever induce this Government to become a dealer in stocks. I trust we shall hereafter dissolve all connexion between this Government and stocks or banks, and forever suspend the powers and duties of the commissioners of the sinking fund. But if we must invest a portion of our surplus, let us not put it beyond our control; for we shall soon have occasion for its use. Let it be considered as a fund pledged to the purposes for which the public lands were originally ceded to the confederation--for defraying "all charges of war, and all other expenses that shall be incurred for the common defence or general welfare."

Mr. Chairman, the existence of a large surplus in your Treasury is a serious evil; not because it is withdrawn from the uses of trade, for that can only exist where State legislation has placed unnecessary restrictions on the employment of capital. But it is a national evil to draw, through the medium of taxation, millions into your Treasury before it is wanted for the purposes of the Government. And what, sir, is the origin of this evil? The gentleman from Tennessee, in denouncing federal principles, need not have gone back to '98; the measures of the Congress of 1816, so far as they affected our constitution and the permanent interests of our country, went far beyond any measures of '98. I refer to this subject for no political object, and with no hostility towards any gentleman. I speak of the measures of the Congress of 1816, and, among others, of the tariff of that day, which laid the foundation of a new system, and was the origin of your existing surplus. Prior to that period the wants of the Government were ascertained before our taxes were increased; since then, sir, we have been taxed to benefit particular interests, without reference to the condition of our Treasury. Under this system millions were prematurely drawn from the consumption of the country, and under it we brought our confederacy to the verge of dissolution. The celebrated compromise act, the result of that system, a measure we adopted to preserve the harmony of the Union, is one of the great causes of our existing surplus. Look at its provisions.

Instead of reducing our revenue from customs, as was recommended by the President, to an amount equal to the wants of Government, that act provides that four tenths of the excess of duty beyond 20 per cent., amounting to about nine millions, should be reduced in the progress of nine years, and that the six tenths of the excess then existing should be reduced in six months! Sir, if we can take off that amount in six months, could we not have reduced our tariff in three years? Had we done so, we should not now be drawing twenty instead of ten millions annually from customs. And had we not disregarded the repeated recommendations of the President, we should have long since revised our land laws. For the existing surplus the legislative and not the executive branch of the Government is entirely responsible to the country.

Sir, I do not believe in the continuance of an overflowing Treasury. I may be deceived, but I do not believe that the revenue under the compromise act, and the receipts from the public lands, will be permanently sufficient to pay the expenses of Government. But if the dreams of gentlemen are to be realized; if we are to have twenty millions from customs, and twenty more from public lands; if we are to have no ebb, but, contrary to the experience of ages, one eternal flood of revenue—what, I ask gentlemen, will become our duty? I mean, sir, to excite no alarm, for I do not believe in the existence of a permanent surplus; but if we have twenty millions annually, or any amount beyond the wants of Government, your compromise act, rely upon it, will not escape modification. We shall find that our successors will as little respect our legislative compacts for perpetual taxation as they will our laws erecting perpetual corporations. Sir, whatever may be our theories, the people of this country in no portion of it, will ever consent to be taxed a dollar beyond the wants of Government, under any speculative pretext whatsoever. That celebrated compromise act will be examined hereafter. Whenever it is, it will be found one of the most oppressive measures upon the agricultural interest that ever was devised. A convention of manufacturing capitalists could not have framed a tariff more unfriendly to the agricultural and other laboring classes. Under our old laws, luxuries were selected as as objects for the highest taxation; under our modern policy, the taxes on these are relinquished, and the whole weight of your revenue from customs falls upon commodities indispensably necessary. Even when the duties are reduced, under the compromise act, to twenty per cent. on a home valuation, with cash duties, charges, and exchange, it will be equal to a protection of fifty per cent., raising to that extent all supplies consumed, whether of foreign or domestic origin. This tax upon agriculture is imposed upon an assumption, wholly fallacious, that manufactures outgrow agriculture; the fact is the reverse, and has been so for half a century. The importation of every commodity coming in competition with ours, and of any importance, has uniformly increased. The importations of 1835, in every branch, largely exceeded those in any one year previous. It is, therefore, manifestly unjust to tax our great and most valuable interests perpetually, for the exclusive benefit of a small portion of the community. Certainly, sir, if we are to have twenty millions of revenue from customs, as gentlemen tell us, we may spare our country one half of this excess of unjust taxation.

We are also to have twenty millions of revenue from public lands. Is this caused by emigration? No, sir, but a small proportion of it. It is notoriously through fraud and speculation; and, to increase this fund for distribution, we are to be the passive observers of these frauds, and permit associations of capitalists on the Atlantic border to monopolize every acre of our rich prairies of the West and the low lands of the South. Sir, the public domain was ceded for no such purpose; it was never designed to be transferred from Government to our capitalists. It is a noble inheritance, in which every farmer and every farmer's son has an interest, whether in the old or the new States; and whatever may be the opinion of our great land proprietors, the farmers of the old as well as of the new States will never consent that our public lands shall be transferred to those who calculate on enriching themselves at the expense of the emigrant. I cannot, sir, on this question, nor on that of our public defences, enter into the views of gentlemen; I cannot regulate either by geographical rules or parallels of latitude. The settlement of our Western country presents one of the sublimest scenes upon the surface of the globe. We see the light of civilization

penetrating the shades of the wilderness, and our emigrant population spreading and adding to our confederacy new and great States, where but a generation since all was wild and dark. I cannot participate in the feelings of gentlemen who mourn over such scenes, and talk of the impoverishment of the old States. I rejoice to see the emigrant on his route; for I feel the assurance that one man, at least, has escaped the vassalage of our Northern corporations, to breathe the free and independent air of the West. Our policy in regard to our public lands has been neither wise nor parental. Revenue should have been a secondary consideration. The public domain should, in every country, be mainly considered as a source of wealth and population; it should be reserved for the emigrant, and not for the speculator. Our sales of public lands should be restricted to those who actually settle upon them. Your receipts from that source would then be regulated by emigration; they would be steady, and we should not have, as we now have, three millions in one year, and fifteen in another. We ought not to sacrifice the interests of the West to add to the profits of our capitalists. We have already, by State and federal legislation, made our revenue and currency tributary to their income; let us not permit our public lands to become a third source of revenue; and that, too, at the expense of agriculture. Distribute the proceeds of your public lands, and what will be the relative position of the manufacturing capitalist of the East and the agriculturist of the West? As you increase your tariff, you increase the surplus capital of the former, to be invested in public lands, to be sold at a profit to the latter. On one side we have two incomes; on the other, double taxation. Such will be one of the results of transferring our land to speculators, and distributing our surplus revenue.

But, Mr. Chairman, before we engage in any extravagant expenditures, or rashly distribute our surplus revenue among the States, let us examine into the condition of our finances, past, present, and prospective, and inquire thoroughly into the causes of the present extraordinary condition of the trade and revenue of the country. This cannot be understood without going into some details, and tracing the progress of our exports, imports, customs, public lands, and banks. The exports of domestic produce, the permanent regulator of our revenue from customs, and generally of the receipts from public lands, amounted in 1828 to fifty millions; they increased, and, in 1835, reached ninety-eight millions and a half. For five years the increase was steady, rising in that term from fifty to seventy millions in 1833; but between 1833 and 1835 they suddenly rose to ninety-eight millions and a half—in other words, at the rate of five millions annually in the first four years, eleven millions in 1834, and seventeen and a half in 1835. Your importations for consumption (I mean after deducting the amount exported) were, in 1830, at forty-nine millions. It is proper to state that I do not refer to the statements reported from the Treasury, as they include specie among the merchandise consumed in the country, which I have excluded in my calculations. The amount of merchandise imported for consumption rose, from forty-nine millions in 1830, (ten millions below the exports of domestic produce in that year,) to eighty-seven millions in 1834; and, in 1835, suddenly to one hundred and twenty-two millions, being twenty-three millions and a half beyond the exports of domestic produce. The revenue of the first quarter of 1835 was not very large; but, judging from the importations in the remainder of the year, and the extraordinary revenue at the port of New York for the first quarter of the present year, there can be no doubt of an importation for consumption, in the year ending the 1st of April, of from thirty-five to fifty millions beyond the exports of domestic produce. The receipts from public lands were, in 1828, about a million, they rose gradually to $4,850,000 in 1834, and then suddenly to $14,750,000 in 1835.

Such, sir, are the evidences of sudden and extraordinary overtrading. These seasons of speculation are incidental to our rapidly growing country; and, without any other cause, after twenty years of peace, it was natural to expect that, enjoying, as we do, unparalleled prosperity, and outstripping all other nations in the growth of wealth and population, we should be, as we now are, hurried on every where by a wild and uncalculating spirit of speculation. But other causes have accelerated speculation, and a sudden expansion of credit within the last two years. The severe lessons we received between 1818 and 1820, from overbanking and overtrading, arrested for a time the increase of banking capital; and in the ten years from 1820 to 1830, the increase was only about fifteen millions, while from 1830 to the present time, it has been suddenly augmented more than one hundred millions. Owing to this cause and the solid prosperity of the country, there was a strong tendency to overtrading, when the Bank of the United States commenced curtailing in 1833, and in nineteen months reduced its loans and exchange nearly nineteen millions, in November, 1834. This reduction had its effect upon the banks and trade of the country. But the moment the bank changed its policy, and united with other banks, and with trade, in expanding business and credit, the spirit of speculation suddenly spread throughout the Union. Between November, 1834, and July, 1835, the bank increased its issues between nine and ten millions; and its loans and exchanges about nineteen millions and a half. This affords some idea of the vast and sudden expansion of the business of all the banks in the Union; and of the increase of that immense mass of private credit, which it is impossible to measure. One other cause, and a powerful one it is, has added to this spirit of speculation, and is sufficient to explain the mystery about exchange. Our act altering the relative value of gold and silver made the former, the chief currency of Europe, more valuable here than it is there; we suddenly became purchasers, after being so many years venders of gold, and the effect of that act was to substitute gold in place of silver as our currency.

But whatever may have been the causes of the present condition of the country, it is an unnatural one. Prices cannot continue to rise—the tide of trade and revenue cannot roll on forever. The moment it reaches its utmost point of elevation, the returning ebb will be felt in every quarter of this Union; and we shall feel it, sensibly feel it, in every branch of our revenue. We have been for eighteen months past as we were from 1816 to 1818. We had a revenue from customs in 1816 of six-and-thirty millions, which fell to thirteen in 1821. Our imports were, according to the Treasury statements, one hundred and thirty-three millions in 1816, and but forty-one millions in 1821. Our sales of public lands were, in 1815, two millions three hundred thousand dollars. They rose to seven millions two hundred thousand dollars in 1818—then rose suddenly to seventeen millions seven hundred thousand dollars in 1819, and as suddenly fell in 1820 to one million nine hundred thousand dollars. Such, sir, has been our experience; and yet we are told we are to have no diminution. Your importations may go on at the rate of 150 to 200 millions annually, but the higher they reach the more terrible will be the revulsion. If between 1816 and 1821 they fell from 133 to 41 millions, where is the reduction to stop when the ebb follows our present flood? Will it stop at a hundred millions, more than double the amount in 1830; or will it stop at seventy-five, far beyond the usual amount imported for consumption in former years? Before gentlemen tamper with our revenue and empty our Treasury, I hope

they will devise the ways and means to fill it again. Before they squander or distribute our existing surplus, let them reflect that we have relinquished the duty on nearly half of all our importations; let them inquire what revenue one half of even a hundred millions would give, at the twenty per cent. proposed in the compromise act.

If our tariff, as it now is, had existed in 1821, your revenue from customs would have been less than seven millions. In our prospective calculations on our revenue from customs, we have but two years, and those of heavy importations, to guide us—1834 and 1835. In the former year the whole importation of merchandise for consumption was eighty-seven millions, of which $47,200,000 were liable to duty, and $39,800,000 were free of duty. In 1835 the aggregate was 122 millions, 64 millions dutiable, and 58 millions free. Assuming the same ratio for past years, and the amount heretofore imported, which are now chargeable with duty, will be found to be, for the ten years ending with 1829, at an average of $26,700,000; that for 1830 but 27 millions; and the average of the last six years, when the imports have been rapidly increasing, is only 45 millions. Should the importations for consumption only decline to 75 millions, which would be equivalent to a gross importation of 95 millions, you would have but 40 millions on which your revenue, under the existing tariff, would be collected. Your revenue last year, when this class of articles amounted to 64 millions, was 19,300,000 dollars. A consumption of 40 millions of dutiable articles would give you a revenue of little more than 12 millions and a half. What shall we have under the compromise act, when that takes effect; when other articles are to be added to the free list, besides those reductions that are proposed at the present session? What will your twenty per cent. duty then yield you? Sir, before gentlemen talk of distributing our surplus, they had better inquire how we are to defray the expenses of our Government hereafter. Our ordinary expenses are already estimated at 17 millions and a half, and even these will continue to advance as long as we have a surplus, without taking into view the claims, amounting to millions, not even to be estimated, for extraordinary purposes, which are accumulating upon us; and most of which are for indispensable purposes. Where is the revenue hereafter to come from to pay some twenty or twenty-five millions for all our expenditures, with all the economy we can exercise; from public lands?

Sir, while I do not concur with the gentleman from Tennessee, that the revenue from this source will be reduced to a million in three years, yet we all know that these speculations cannot be carried on to any great extent under a heavy pressure upon the money market. When the supply of capital fails, and fail it will, your revenue from public lands must suddenly decline; but not quite so low as in former periods of pressure and distress, owing to the internal improvements of the West. One thing, however, is certain: that whenever the spirit of speculation is checked, your revenue from customs and public lands will not both pay the annual ordinary and extraordinary charges upon your Treasury. The same opinions were entertained in 1816 as we now hear. They had thirty-six millions from customs in one year, and had a balance in the Treasury of twenty-two millions. In 1820 and '21 we curtailed our expenditures, and authorized loans to the amount of eight millions. No wise financier will tamper with a revenue depending, as ours does, on the vicissitudes of the natural, commercial, and political world.

Without, Mr. Chairman, taking into view the deficiency in our revenue which may exist hereafter, what is the present condition of our finances which authorizes us to distribute some twenty or thirty millions of surplus revenue? I shall not, sir, include in the estimate of our available means the stock in the Bank of the United States. Of that stock $619,000 belongs, not to the Government, but to the navy pension fund. It is not drawn from your Treasury, but from the pay of your officers, seamen, and marines, to provide pensions for invalids and for the widows and orphans of those who may die in the service. We can expect little justice from an institution which would divide the premium on the stock belonging to such a fund among the capitalists of this and other countries. If the widows' and orphans' fund is excluded from all partition in the benefits of the new partnership, Government has no reason to expect justice, unless through the avenues of chancery. We shall want that fund long before it will be received into the Treasury. We had in the Treasury on the 1st of January last, of available funds, - $25,523,986 89

The appropriations authorized prior to that date, but not expended, amounted to	$9,210,573 76	
From this is to be deducted the amount applicable to the expenditures of 1836, and the amount to be transferred to the surplus fund, -	828,290 40	
		8,382,283 36
		$17,141,703 53
From this, it is the custom of the Treasury to deduct for claims on account of the principal and interest of the funded and unfunded debt, - -		290,789 00
Leaving in the Treasury on the 1st of January last - -		$16,850,914 53

In speaking of the balance in the Treasury, we concur with gentlemen that it is not necessary to refer to unexpended appropriations; but we must recollect that the money in the Treasury cannot be twice appropriated; and that, in alluding to a surplus applicable to be distributed or applied to other objects, we had in the Treasury, on the 1st of January last, but about seventeen millions of dollars; the above statement being made from the corrected accounts in the Treasury. The balance in the Treasury applicable to be appropriated to new objects was - - - - $16,850,914

The ordinary appropriations for 1836 amounted to -	$17,515,933	
The extraordinary appropriations for 1836, for fortifications, navy, arming fortifications, &c., without including any new work, and excluding a large amount reported, -	7,000,000	
Estimate for the Seminole war, including $2,120,000 already appropriated, -	4,500,000	
Additional appropriations in the civil and diplomatic bill already passed the House, -	607,250	
Instalments of the $1,500,000 francs due under the French treaty, and payable in 1836, -	225,000	
Three per cent. to the States on the nett sales of public lands, - -	500,000	
Debt of the corporations of the District, passed the Senate and will pass the House, -	2,175,000	

For the execution of Indian treaties, according to a state-

ment of the War Department, including appropriations added to the Indian bill, - -	$8,767,325	
		$41,290,508
		24,339,594

In the foregoing statement of extraordinary appropriations and claims on the Treasury, nothing is included for new fortifications, or for the prospective increase of the navy; for miscellaneous claims and appropriations authorized by Congress; for any addition to the army or topographical corps; for the regiment of dragoons and the volunteer corps of ten thousand men; nor is any sum estimated for the expense which may soon become necessary on the frontier of Texas. What all these may amount to it is not possible now to estimate. It is not intended to be understood that all these will be required for the service of 1836. The statement is made to show what are the probable charges against the surplus on the 1st of January last, and the amount which may be received into the Treasury during the present year. It is impossible to anticipate what may be the revenue for 1836. Should the spirit of speculation continue unabated till 1837, the revenue of the present may exceed that of the past year; but there are already symptoms of extreme pressure in various quarters of the Union, and we hear of transfers of specie. The existing expansion of commercial speculation and credit is too great to authorize any expectation that the pressure for money will cease. The trade and banks of the country have not been kept in check, for a year and a half, as in 1834. Neither the Bank of the United States, nor all the banks in the Union, can now afford relief by extending their business as they did in 1834. There is, indeed, but one remedy for an overtrading nation; and when that arrives, whether in this year or the next, when the enormously expanded debts of the country are to be reduced, or cancelled, prices must decline, and our revenue from customs and public lands must suddenly give way.

Whatever may be the surplus on the 1st of January next, it will all be required to discharge the actual liabilities of the Treasury, and to provide even for a small portion of indispensable measures of defence; and, as to the year following the next, there is little probability that our receipts from customs and lands will be equal to the expenditures of Government, without an addition to the tariff.

Such is the condition of our finances and the prospect before us, when we are called upon on all sides to distribute the surplus revenue to an amount which would bankrupt our Treasury. This is the third time when an overflowing Treasury has threatened to change the character of our Government. In those years of great prosperity, when we enjoyed the carrying trade of the world, gentlemen of both parties had their projects for getting rid of the surplus. At the close of 1808 we had ten millions in the Treasury—an amount far more formidable at that time than thirty millions would be now. We were saved at that crisis by war—a calamity infinitely less disastrous in its permanent effects upon our Government than the measure proposed. At the close of 1816 we had remaining of our thirty-six millions of revenue, from customs alone, twenty-two millions, equal to forty millions at the present time. We escaped then by being compelled, in 1820 and 1821, to resort to the most rigid economy, and to borrow some seven or eight millions. I trust that this constitution will be saved a third time, notwithstanding this powerful combination against the Treasury. I am not surprised, sir, to see the manufacturing capitalist zealously contending for a distribution of the surplus revenue; nor am I to see the gentleman from Virginia [Mr. MERCER] and his associates, who have always advocated federal power; but I am to see some of those who so recently brought our Union to the verge of dissolution, in justly resisting, however wrong their measures, a most oppressive system of taxation—I am surprised to see the same gentlemen wishing to secure, through the medium of a constitutional amendment, and to fix forever upon the country, this tariff in disguise; for, sir, let this proposition assume what form it may, it inevitably results in an increase and distribution of your revenue from customs.

Nor, sir, am I less astonished to see some of the most rigid constructionists so alarmed at the surplus revenue as to unite zealously in this assault upon the Treasury. Gentlemen whose constitutional scruples would not permit them to vote a dollar for a light-house to save the mariner from perishing on our coast amidst the storms of midnight, are now ready to empty the federal Treasury and distribute it among the States. They are ready to violate the solemn pledge of the Congress of the confederation in 1780, before an acre of these lands was ceded, that they should "be disposed of for the common benefit of the United States to be settled and formed into distinct republican States," and to abrogate the compacts with New York in 1783, and Virginia in 1784, by which these lands were ceded "as a common fund for the use and benefit of the United States," to be "faithfully and *bona fide* disposed for that purpose, and for no other use or purpose whatsoever." They are eager to annul the compacts with Massachusetts, Connecticut, and South Carolina, in 1785, '6 and '7; with North Carolina in 1789; and finally with Georgia in 1802. The purposes, sir, for which these lands were ceded are not only stipulated in these compacts, but they are fully explained by the 8th article of the confederation to be for "all the charges of war, and all other expenses that shall be incurred for the common defence or general welfare." It never was contemplated that the proceeds of these lands should in any manner be applied to the local expenditures of the States; and had a provision for such a distribution been then insisted upon, the new constitution would have been formed, as the old confederation was, without the cession of an acre of these lands. Gentlemen attempt to make a distinction between the revenue from customs, from lands ceded by the States, and from those acquired by purchase from France and Spain. Sir, every dollar in your Treasury is secured by the same constitutional guards; the revenues of the confederation and the lands ceded to it were all for the same common and confederated purposes. If there be a distinction, it is in favor of the moneys arising from the proceeds of the lands ceded by the States, guarantied as they are by compacts more ancient than the constitution itself, and which, in strict good faith, cannot be cancelled even by a constitutional amendment.

We have, also, among the advocates of distribution, however strange it may appear, some of the most decided enemies of consolidation and zealous advocates of the rights of the States. A more fatal measure to the States, or a more certain one to effect consolidation, could not be devised. Should we once commence distribution, we should have our lobbies filled, session after session, with committees of your Legislatures, humbly presenting their State memorials, petitioning for an increase of the federal fund for distribution; praying Congress for an increase of our tariff and for the more rapid sale of the public lands; millions of acres would be disposed of by contract to swell the distribution fund. If customs and public lands both failed to answer the urgent petitions of the States, you would have memorials to restore the public debt; and if that was not sufficient, a charter of a Bank of the United States would be disposed of for ten millions more, for the purpose of distribution. Once commence this revolutionary proposi-

tion in any form, and it at once becomes the permanent policy of the Government. Your Legislatures will be seen scrambling for the plunder of your Treasury; every officer, State and federal, from the highest to the lowest, would depend for his bread on a common Treasury. Your Governors would become mere viceroys, and your States would be degraded to the condition of provinces. We should hear no more of State rights then, sir. The gentleman from Tennessee would then realize his description of a "great central moneyed power," controlling and corrupting every branch of your State and Federal Governments. Your "State Assemblies" would then, indeed, become, as he says, "the supple and convenient instruments of the federal Executive, and be prostituted to purposes of federal power and domination."

Mr. Chairman, gentlemen who are friendly to the defences of our country cannot go for the distribution of the surplus among the States. We have not the means to do both. Be your surplus what it may, you cannot execute one half of the measures of defence which are admitted on all hands to be indispensable. Sir, the question of public defence is no party question. It is not a measure exclusively of this administration, notwithstanding the argument of the gentleman from Tennessee, about the new and extravagant measures which were proposed by the party now in power. Every gentleman who has discussed the question of our surplus revenue has admitted the defenceless condition of our country, and avowed himself an advocate of efficient measures of defence. The gentleman from Maine, [Mr. EVANS,] from Virginia, [Mr. MERCER,] and even the gentleman from Tennessee himself, has declared himself ready to vote for liberal appropriations for the navy, and for such fortifications as may be necessary for the defence of the country. He has reprobated, justly reprobated, our utterly defenceless condition. Well, sir, if gentlemen are in earnest; if, in a spirit of patriotism, we are all determined to unite and to execute these necessary measures of defence, where, let me ask gentlemen, whether we distribute any portion of our surplus or not, where are we to get the millions which will be required to finish any one branch of our public defence to the extent proposed? We have estimates amounting to more than sixty millions for fortifications. I concur with gentlemen in the impolicy of attempting to line our extensive coast from Mexico to Canada with fortifications, of engaging in enormous and useless expenditures for defending every inlet and river. But, sir, strike out the whole of these superfluous works; confine yourself to works now in construction, and to others which are admitted to be indispensable, and the least amount which will be required would be equal to the whole of our surplus revenue. But look at the condition of the fortifications already constructed. In Boston not a gun can be fired. In New York, where we ought to have three hundred cannon mounted, we have sixty. At Fortress Monroe, where we should have two hundred, we have but forty-three. In New Orleans, instead of one hundred, we have twelve.

The inspector general says:

"More than a thousand heavy guns and carriages must be mounted before our principal cities could be considered in any thing like a defensible condition; and in case of war with a foreign Power, the armament contemplated would require to be greatly increased." "All of which," he adds, "is required, independent of the armament necessary for the defence of the less important cities and towns on the seacoast."

And what amount will your navy require? The navy, sir, has been the most neglected branch of our public defence, considering its importance, from the commencement of the Government to the present time. It was not until '98, under a much-denounced administration, that it was permitted to become an independent Department. It has fought its way into the confidence of every administration, and has become the favorite of all parties. On this branch of our defence we have but one voice; and yet, sir, look at its condition. I would not degrade our country by instituting a comparison between the navy of the United States and that of Great Britain or France. I would not disgrace it by comparing it even with the fleet of the Pacha of Egypt.

Our navy is inadequate to the protection of our commerce, and in no degree corresponds with our relative maritime power, or our rank among nations. It is not strong enough to form any part of our coast defence in case of war, nor to discipline our officers in time of peace. We should have a small force on our own coast, of which our officers know too little; a considerable increase in the Gulf of Mexico, and also in the Pacific. In the event of war with a maritime Power, in the absence of a strong force in the Pacific, the first sacrifice would be our whale trade, with ten thousand of the most effective mariners in the world. We cannot employ our surplus revenue more wisely than in increasing this most powerful arm of our defence. The estimates of our Navy Commissioners amount to twenty-three millions, and, with some additions and allowances for estimates, will probably reach forty millions, which would all be required, and should be expended, whenever it is compatible with other interests and the condition of our Treasury.

Are we to make no provision, sir, for our inland and equally defenceless frontiers? Can we, at the moment we are called upon to distribute our surplus revenue—can we estimate within ten millions the amount that may be required within twelve months to protect our countrymen in Florida, Louisiana, Arkansas, and Missouri? Sir, while every heart is quivering with agony at the horrid massacre of our countrymen by the Seminoles, I cannot be startled by the spectre of a standing army, raised by the gentleman from Tennessee. Our frontiers must be protected, cost what it may. We have one Indian war on our hands, and before three months we may have another.

I wish, sir, to excite no alarms of war, but I do wish to alarm gentlemen who would empty our Treasury at a crisis like the present. I wish them to examine well the war cloud that hangs over our Southern border. We shall, I know, respect the rights of nations, and endeavor to maintain our neutrality. But, sir, that war is not to be determined in a single campaign—no matter which party may conquer, the war will be renewed, and continued so long as Mexico struggles for dominion over Texas. On the one side, the tide of emigration sets in that direction; on the other, they have means, supplies, and disciplined troops. We may avoid being involved in that controversy, but is there nothing in the character of the parties; nothing in the position of the war; nothing in the hostile disposition of the Indian tribes, who may be easily excited to war; nothing in the movements within our own borders, which no proclamation of neutrality can control? Is there not danger that our territory may be violated? Are all these circumstances nothing? Is this a crisis when our surplus should be distributed? I have great confidence, sir, in this administration, especially in the management of our foreign relations; but if we ultimately escape being involved in some way in this contest, they will deserve credit for extraordinary skill and ability. Mexico cannot permanently maintain her dominion over that province, and she will not surrender it without a long struggle. Whatever may be the result of the campaign, or the duration of the contest, no one can estimate the amount which will be required for the protection of that frontier. We

should have at this very moment a force there sufficient to command the respect of both parties—to prevent our territory from being violated, and to protect our countrymen from the consequence of the savage war actually existing on that frontier.

While such is the condition of things at home, what is the political aspect abroad? We see all Europe converted into a camp, where two millions of troops stand ready for war—we see two great alliances contending, not only as of old, for the balance of power, but for hostile principles of government; preparing, evidently preparing, for a general war on that continent. Whenever it comes, can we escape spoliations on our commerce—can we avoid being involved in it? We may, sir, avoid both, by promptly and vigorously attending to the defences of our country, and by increasing our navy. Let us discharge these essential duties, and we shall not again have our flag insulted, our commerce plundered, and our country disgraced by invasion. Let us attend to our national defences, and we shall preserve tranquillity at home, and cause our flag to be respected in every quarter of the globe.

Mr. Chairman, such is the state of our affairs at home, such the prospect abroad; and yet, sir, we have gentlemen, distinguished as statesmen, and financiers of great experience and reputation, contending zealously and eloquently for a distribution of our surplus revenue, at the very moment they tell us they are ready to make the most liberal appropriations now and prospectively for our national defences. Let me entreat gentlemen to pause—let me entreat them not to squander our revenue at a crisis like the present. The amount of our surplus, however high it may go before the tide of revenue subsides, will not discharge existing claims upon Government, and complete even a part of the measures proposed—measures indispensable to our defence. We are at this moment merely anticipating the collection of our revenue—we are approaching a series of years when the receipts from customs and public lands will scarcely equal, if they do not fall below, the amount necessary to defray the ordinary expenses of our Government. I hope, sir, under such circumstances, we shall not distribute our surplus, but that we shall husband our resources, reserve a portion to meet any deficiency which may occur hereafter, and appropriate the remainder, with a wise economy, to measures indispensable for our national defence.

Mr. BELL said he did not rise to enter into the wide range of debate indulged in by the gentleman from New York, [Mr. CAMBRELENG.] I have too recently (said Mr. B.) occupied the attention of the committee in a similar course of remarks myself, to authorize me to claim the attention of the committee again, until other gentlemen who desire to be heard shall have had an opportunity of delivering their sentiments. I only desire, at this time, to reply to some of the remarks of the gentleman from New York, [Mr. CAMBRELENG,] which appeared to me to be rather personal towards myself.

The gentleman from New York, after quoting from my remarks, made upon a late occasion, what I had said as to the time when the regular appropriation bills for the support and improvement of the military defences of the country had been reported by the Committee of Ways and Means at the present session, and further as to the time they were suffered to remain upon the table unacted on, proceeded to contrast the action of the Committee of Ways and Means of the present Congress, in this respect, with what had been done by the same committee at former sessions of Congress, and concluded by declaring that my charge against him was unfounded. I desire to know if the gentleman means to say that the facts stated by me, in the speech to which he alluded, were not founded in truth.

[Mr. CAMBRELENG said that he meant to say that the charge of neglect made against the Committee of Ways and Means, by the gentleman from Tennessee, in not reporting the bills referred to before the close of the month of December, was not well founded: and he had referred to the Committee of Ways and Means of former Congresses to show that those bills had not usually been reported at so early a day as they had been reported at the present session.]

Mr. BELL resumed. Neither in my speech delivered in this House, nor in any printed report of that speech, did I make, or authorize to be made, any charge of the description alluded to by the gentleman. My statement was simply that those bills for the support and improvement of the military defences of the country had not been reported until nearly a month after the meeting of Congress; and that, after they were reported, they were suffered to sleep upon the table more than a month before they were seriously moved in the House; and I inferred, from this fact, that the gentleman from New York, and his political associates, could not have had any serious apprehensions of a war with France. It was only under the peculiar public exigency alleged by the gentlemen themselves to exist at the commencement of the session, that any blame could attach to the committee for not reporting and acting upon those bills at an earlier day. I could not believe that gentlemen were sincere in their professions as to their fears of a war with France, when they were well apprized of the defenceless condition of the country, and yet delayed to report those bills until the close of the month of December, and failed to move their consideration in the House until the 9th of February following! I yet believe, sir, that the gentlemen had no fears of war, as their conduct would have been very different in regard to those bills.

But the gentleman from New York [Mr. CAMBRELENG] has thought proper to review my course upon the naval appropriation bill, and to insinuate motives different from those which I avowed, and widely different from those which actually governed me. He has also thought proper to impute to the minority the cause of the delay which occurred in passing that bill. He has also alluded to that delay as extraordinary, and the whole tenor of his remarks is calculated to give support and corroboration to the misrepresentations which have found their way into the public journals on this subject.

[Mr. CAMBRELENG said he wished the gentleman from Tennessee not to understand him as insinuating more than he stated; he had imputed no motives; he had only stated the part taken by that gentleman on the naval appropriation bill, and he considered it extraordinary.]

Mr. BELL resumed. I am aware that the course and manners of the gentleman are perfectly parliamentary; he imputes no motives, but he makes such a statement of facts and circumstances from which the only rational deduction would be, that my course had been founded upon most improper and unworthy motives. In replying to the gentleman from New York, I feel myself called upon, and fully justified in noticing the statements of the official journal printed in this city (the Globe) upon this subject. They are of the same character with the inference which must be drawn from the statements of the gentleman, if they are not corrected. If this were the case of ordinary newspaper statements, I would not feel myself called upon to notice them. Under other circumstances, I would permit them to pass unnoticed by me, perfectly willing to abide their effect upon an intelligent people; but, sir, the paper to which I allude is the regular organ and channel through which the views of the Executive and of the party in power in this country are declared and proclaimed to the country. It is supported and sustained by the patronage of every department of the Government, and it also receives the pat-

ronage of this House. The publishers and editors of this paper are the officers of this House; they are the printers of this House, chosen by a large majority of its members. The representations of the proceedings of this House, found in the columns of this paper, bear upon their face, in some sense, the stamp of official authority. The Executive and this branch of the national Legislature, in the general and public estimation, stand pledged for their accuracy. But what is of still more importance to those whose course in this House is misrepresented by this journal, hundreds and thousands of its numbers, containing the grossest misrepresentations and slanders against me and other members of this House, are franked by the President himself, and distributed over the country. Scarcely a day passes in which I do not receive information, by letters, of the circulation of this journal among the people of my own State, and among my own constituents, under the frank of the President. It is also worthy of notice, that this paper is daily laid upon the desks of a large portion of the members of this House, and it is also circulated extensively under their frank. I know, sir, that neither the President nor honorable members of this House intend to guaranty the truth of all the statements to be found in the columns of this paper, nor do I consider that they ought to be held responsible for their accuracy; but, sir, the effect is the same upon those who are assailed by falsehood and misrepresentation. The people cannot well comprehend that gentlemen high in official rank, as well as in popular favor, should so industriously circulate, under the sanction of their individual signatures and frank, the numbers of a political journal, unless they sanction and credit the statements contained in it; and they thus pass with many for the truth. These statements, going forth from this city while Congress is in session, under all these sanctions, and remaining unanswered and uncontradicted by those who are misrepresented, have a degree of credit awarded to them, which, under other circumstances, would not attach to them. I therefore ask the attention of the committee while I refer to some of the various misrepresentations of my course upon the navy bill, which have been propagated through the channels of this paper, at the same time that I notice the statements of the gentleman from New York upon the same subject.

Besides the statement of the Globe that I had opposed all appropriations for the military defences of the country, at a time when the country was in danger of being involved in a war with France, which I have noticed upon a former occasion, and shown to be utterly false, I find the following statement in that journal of the 8th of this month (April:) "At the threshold Mr. Bell told his friends that [the House of Representatives] was the place to agitate the presidential question, and so they went on President-making, in connexion with the navy yard at Portsmouth, until they had wasted nearly six weeks of the session." In the number of the 12th of this month will be found the following sentence: "Not content with speaking against time for six weeks together, to arrest the progress of the ordinary appropriation bills, not disheartened nor ashamed of having a six weeks' opposition sustained by only six votes on yeas and nays in support of his proposition, Mr. Bell, who is set to work to foil the business of the House by those in league against the administration, is continually devising petty expedients for this purpose." In the same paper of the 14th of this month, "the finale," it is stated, "is given of Mr. Bell's fifty-eight days' war upon the navy yard at Portsmouth."

These, sir, are the representations of the official journal of the Government, and the printers to this House, in relation to my course upon the navy bill. I now propose to advert briefly to the history of the progress of this bill through this House, and the part I actually took in the proceedings in relation to it.

The gentleman from New York [Mr. CAMBRELENG] has on this occasion renewed his charge against me, that I had attempted to retard the action of this House upon the appropriation for the defence of the country at a moment when we were in danger of being involved in a war with a powerful nation, by making a proposition to act upon the report of the select committee upon the rules of the House. I did, sir, on the morning of the 13th of January, insist that we should give some consistency to the rules of proceeding in this House, as a measure essential to the despatch of business and the wisdom of our proceedings. I asked for one hour—I asked for one day—for this purpose, before we took up the appropriation bills; but my motion failed under the opposition of the gentleman from New York, [Mr. CAMBRELENG.] Sir, not a day, not an hour, could be spared for that purpose. I now affirm, sir, that we could have saved the time of the House, we could have saved the public treasure. The honor and character of the House, as a legislative body, would have been protected, if the House had acceded to my proposition; for, sir, your journals now exhibit a scene of inconsistency and folly which degrades the country, and which it will require years to retrieve.

The gentleman from New York was too full of the war spirit at that time to think about rules. We must remember the pomp and flourish of language and manner which the gentleman employed in moving the appropriation bills, on the 13th of January. No estimates had been furnished; but he was a man who, according to his own declaration, feared no responsibility. We were in danger of being involved in a war with France, and the country was defenceless. He was ready to dare every thing for his country at such a crisis, and he accordingly moved an amendment of two millions to the bill for the increase of the navy. I am sure that any stranger in the gallery on that day, who had no knowledge of the actual state of our relations with France, must have concluded, from the manner of the gentleman, that the country would certainly be involved in all the horrors of war in thirty, or, at most, in sixty days. Well, sir, under these warlike indications, I submitted, without calling even for a division of the House; and, although I did not then believe there was any ground to apprehend war, yet, as the gentleman and his friends had access to sources of information upon that subject which were not within my reach, I yielded to the propriety of proceeding with the appropriation bills; and the navy bill was taken up and discussed that day. When the House assembled, on the next day, not one of all its members, except those who were in the secrets of those in power, could have imagined that any other business would be permitted to take precedence of the navy bill. What, then, must have been our surprise, when the gentleman from New York, upon the orders of the day being announced from the Chair, rose in his place, perfectly composed in his manner, and asked the House to take up the bill for the relief of the sufferers by fire in New York! Thus, in a single day, had the gentleman undergone a total change in his opinions upon the propriety of immediate action upon the appropriation bills. More than two thirds of the House agreed to the gentleman's proposition, and the fire bill was taken up and discussed upon that day. Private business intervened on Friday and Saturday of that week, and petitions and other inferior business occupied the Monday and Tuesday following. On Wednesday and Thursday, the 20th and 21st of January, the fire bill was again discussed; and, on the morning of the 22d, the notorious resolution of the gentleman from Massachusetts [Mr. ADAMS] was introduced, and all the business of the

House was made to give way to that resolution, by the vote of the gentleman from New York [Mr. Cambreleng] and all his political friends in the House, except two or three very sagacious members of the party. That proposition occupied the House five days; and it so happened, by the concurrence of a majority of the House, that other measures and propositions of inferior importance were permitted to usurp the place of the navy bill, until the 9th of February—nearly a month after the introduction of that bill, under the pompous circumstances I have described. The navy bill was then discussed in the afternoon of that and the two following days, when it had to yield, first to private bills, and then to the fire bill again; which, with other business of minor interest, consumed the time of the House, under the sanction of a majority of its members, until the 2d day of March, when the navy bill once more came in for the attention of the House during a portion of a day which remained after the consideration of the fire bill. It was discussed again on the 3d of March, when it had, according to usage, to yield its place to business of less interest to the public. So important did it appear to the party about this time, to act upon the report of the Committee of Elections, which proposed to oust Mr. Graham, of North Carolina, and give to Mr. Newland his seat in this House, that this question was given a preference over the navy bill by the vote not only of the gentleman from New York, [Mr. Cambreleng,] but nearly every member of the dominant party besides.

From the 3d of March the navy bill was no further acted upon until the 15th of that month, when the consideration of it was resumed and continued during that and the two succeeding days, against the wishes of the gentleman from New York [Mr. Cambreleng] and his political friends, who voted *en masse* to give the contested election the preference on each of those days. The navy bill was again taken up and discussed on two days of the succeeding week, when it yielded to the contested election, and was not taken up again until Wednesday of the following week, when it was discussed in the afternoon of two days more. It was again taken up and considered on the 5th and 6th days of April, and on the last day it was reported to the House by the Committee of the Whole on the state of the Union. Thus, sir, it appears that the whole number of days, after the 13th day of January, on which the navy bill was first moved, until the 6th of April, inclusive, when it was reported to the House, was only fourteen; and if we exclude one day, on which it was taken up just before the adjournment of the House, and after the day had been chiefly consumed by other business, the whole number of days, on which this bill was under discussion in Committee of the Whole, will be reduced to thirteen! After it was reported to the House, one day was consumed in a brief discussion of various amendments, and in taking questions by yeas and nays. It must also be borne in mind, that this bill was never taken up for discussion upon any one day, until 1 o'clock in the afternoon, and often not until a later hour; and if the real parliamentary time consumed in the discussion of the navy bill while in Committee of the Whole be computed, it will be found that the whole number of days is much less than I have stated. But how, sir, was the remainder of the time of the House consumed between the 13th of January, when the navy bill was first taken up, and the 6th of April, when it was reported from the Committee of the Whole in which it was discussed? I will inform you, sir. Eleven days were taken up in discussing the bill for the relief of the sufferers by the late fire in New York; five days more were consumed in the discussion of the resolution of the gentleman from Massachusetts [Mr. Adams] in relation to the loss of the three million appropriation of the last Congress; and the question of the contested election between Mr. Graham and Mr. Newland occupied seven days. Two days which ought to have been appropriated to the consideration of public business were lost by adjourning over; and who, sir, is responsible for the priority thus given to business of inferior importance, and for the waste of time, at a period, too, when the country is still said to have been exposed to the danger of war with a powerful nation? I answer, the gentleman from New York [Mr. Cambreleng] and his political friends, the party in the majority in this House. These, sir, are the responsible persons. Their names will be found recorded with great unanimity on every question in favor of the interference with the consideration of the navy bill to which I have alluded. It will be seen, from the statement I have made upon this subject, that the navy bill has the advantage of the New York fire bill, in regard to the time consumed in the discussion of each, of three days only. The navy bill fourteen days, and the fire bill eleven days. Let this simple statement of facts be compared with the representation of the Globe. I have been repeatedly charged in the columns of that paper with having caused a waste of six weeks of the time of the House in the discussion of the motion submitted by me in relation to the navy yard at Portsmouth. In another number of the same infamous journal, it is stated that fifty-eight days were consumed by me and the friends with whom I act in this House, in a war upon that navy yard; when, in truth, the general discussion which took place upon my motion consumed only some two or three hours on thirteen different days!

But the gentleman from New York [Mr. Cambreleng] thought proper to confirm the representations of the official journal in relation to the object I had in view in the course I pursued upon the navy bill. That gentleman has thought proper to comment upon the small number of votes in favor of my motion to strike out the entire appropriation for a navy yard at Portsmouth, and leaves it to be inferred that my only object in making the motion was to delay the action of the House upon that bill, and retard the business of the House generally. Such is the charge repeatedly made against me and the few friends with whom I act in this House.

I beg leave to state what my course was upon the navy appropriation bill. When that bill came up for consideration on the 9th of February, having a strong conviction that a war panic had been created for party purposes, and that those who were best advised upon the subject really had no apprehension of a war, I moved to reduce the appropriations for the several navy yards one half, in order to test, if I could, the sincerity of those who contended there was great danger of a war with France. The appropriation for the improvement of the navy yards, in the bill which lately passed the House, was more than double the amount appropriated in former years. It is true, as stated by the gentleman from New York, [Mr. Cambreleng,] that my motion proposed a saving of $300,000 only; but if we were likely to have immediate war, it appeared to me that our true policy was not to expend a dollar more than was actually necessary upon any object which could not be made effective and available in such a crisis. At all events, I thought that the appropriation for the navy yards ought, under such circumstances, to be restricted to the usual amount; and this was the view of the question which I presented to the committee when I submitted my first motion. I entered into no elaborate argument; I stated my object in the most perfect candor, and I asked the committee to vote instantly upon my motion; I deprecated delay. I entreated the committee not to rise that day until the question I had raised was taken; and I declined to debate it on my part. I was open and

explicit, at the same time, in stating that my object was to bring gentlemen to the only test in my power to offer, of their real views in relation to a war; and I called upon gentlemen to show us, by their votes, whether they regarded war as a probable event. Instead of being met in the same spirit of candor in which I had made the proposition, the very distinguished, enlightened, liberal, and able gentleman at the head of the Committee on Naval Affairs, [Mr. JARVIS,] as well as other gentlemen, including the gentleman from New York, [Mr. CAMBRELENG,] thought proper wholly to evade the question I had presented; and, to enable them to do so more effectually, they would have it that I intended an attack upon the navy yard at Portsmouth. The defence of the navy yard at that place was entered upon, and every question except the one I had presented to the House was seized upon and debated, not having any connexion whatever with the real question I had raised.

Against my entreaty, (for I really at that time felt unwilling to be responsible for any great delay in passing the appropriation bill,) the committee rose, on motion of the gentleman from New York, in my eye, [Mr. MANN,] at an early hour in the afternoon of the day on which I submitted my motion. So much for my disposition to defeat the passage of the bill at that stage of it. The consideration of the bill was so much interrupted by the pressure of other business, that, in order to increase the time which might be appropriated to the contested election, and other questions which I foresaw were likely to take precedence of the navy bill, on the morning of the 15th of March I made a proposition that the House should meet at 11 o'clock in the forenoon of each day; which was agreed to; and I thus caused one hour more than usual to be employed in the business of the House. On that day the navy bill, after the lapse of several days, was again taken up, and was discussed by the gentleman from Maine, [Mr. EVANS.] On the next day it was discussed by the gentleman from Pennsylvania, [Mr. CHAMBERS,] after whom, I succeeded in getting the floor, and occupied about one hour only, on that day, in my remarks upon the motion I then submitted to strike out the entire amount proposed to be appropriated for the improvement of the navy yard at Portsmouth; and this hour must pass for one of the four days I am represented to have consumed in my remarks upon that motion. Now, sir, as to the object of that motion, in answer to the charge of the gentleman from New York, [Mr. CAMBRELENG,] and the equally unfounded representations made through other channels, I have only to repeat what I stated openly and distinctly at the time I made the motion. The situation of affairs has greatly changed since I made my first motion. On the 16th of February, information had reached this country that all prospect of a rupture with France was at an end. A French war ceased to be any longer the rallying cry of the dominant party; but it was still proposed to enter upon a most expensive and extravagant system of national defence, both by sea and land. The occasion appeared to me to be a proper one to reconsider the policy adopted at a very early day in relation to the number and location of our navy yards. Millions were proposed to be expended upon these objects in the next four years, and I believed the public interest required that this subject should undergo a thorough examination. But, sir, I stated expressly, when I made the motion, that, although I was confident that both the economy and the efficiency of this branch of the national defence required, and that, at all events, we ought to make a more suitable selection for some of them, yet I had no expectation of succeeding in my motion. I stated the causes which existed to forbid such a hope; and, among others, the absence of executive favor to the project of reform in this branch of the service. I felt it my duty to call the attention of the public to this subject, however hopeless any effort for immediate reformation might be. I also took occasion to be entirely candid in stating another object in making that motion to be that I might have an opportunity of remarking, freely and fully, upon many subjects connected with the principles and practices of the party in power. I did not expect to have this privilege allowed me during the session, unless I availed myself of that occasion to exercise it. My reasons for that belief you, sir, [Mr. MASON, of Virginia,] must remember I was quite particular and specific in assigning. When gentlemen, therefore, taunt me with the entire failure of my motion, they must remember that it was a result I had myself foretold. But the gentleman from New York [Mr. CAMBRELENG] has reminded me that I did not vote for my own motion in the House. It was not the object of my motion to suffer any of the improvements at Portsmouth to go to decay, unless it should, upon proper investigation, be thought advisable to discontinue the navy yard at that place; and, therefore, the motion of the gentleman from Vermont [Mr. EVERETT] embraced the whole object I had in view. The question which was moved in the House, upon my motion, as it was literally made, I saw was the result of concert between several members of the House; and the vote upon that question was intended to be used, as the gentleman from New York [Mr. CAMBRELENG] has now used it, and I treated the movement as it deserved.

Such, sir, as I have briefly described, was my course upon the navy appropriation bill, which recently passed this House, and such were the motives which governed me—motives which I openly and candidly avowed at the time. I am aware, sir, that the misrepresentations and slanders which have been heaped upon me in regard to my conduct in relation to this bill, by the official journal of this city, and others, have been so often repeated that many persons at a distance have been misled by them; and I am not surprised that many honorable members of this House have been misled as to the time actually consumed in the debate upon the navy bill. Indeed, sir, I had supposed that, from the repeated and slanderous character of the attacks which had recently been made upon those members of the House who had ventured to go into any general political discussion upon the appropriation bills, we were not likely to have a repetition of such a practice. It required the courage of the gentleman from New York [Mr. CAMBRELENG] to disregard the odium which is sure to follow such a course in a certain quarter; and I must still express my surprise that that gentleman, with all his courage, has entered upon so wide a field of debate upon the present occasion. I must repeat here what I have said at another time upon this subject. I never will yield my privilege of going fully and at large into the discussion of every question connected with the administration of public affairs, as often as I think fit, upon the appropriation bills. I know, sir, how unfashionable this practice has become of late; and I hope it will not be considered disrespectful if I say that many members of this House appear to me to consider that our first and chief duty here is to vote through the appropriation bills. I beg leave to differ widely from these gentlemen. A much greater and more important duty is to watch over and guard the executive administration of the country. I know that an opinion is becoming prevalent that we have nothing to do with the other branches of the Government. I deny the position. I affirm that it is our solemn duty, under the constitution, to watch, and to be the overseers, in some sense, of the Executive. It is a great and mischievous and may become a fatal error to suppose we have not the power, and that it is not our right and duty to do so.

As to the effect of the doctrine that nothing ought to be discussed upon the appropriation bills except what belongs to the details of the business before the House, we may profit by recurring to the condition of this House on yesterday or the day before, when a bill was under consideration and passed through the committee, appropriating, I believe, (though I have not added up all the items,) more than a million or a million and a half of money. Many of the items of that bill depended upon the discretion of the Executive and of Congress. Yet, sir, during much the larger portion of the day, I undertake to say that not more than thirty members were in their seats. I might refer to the small attention on this day; for, sir, the taking up of an appropriation bill operated as a signal for the dispersion of the House. Nothing but dry details, after the recent denunciations of a different course, were expected to be the subjects of discussion.

I, and the few friends with whom I act in this House, have been repeatedly charged with a disposition to delay the business of the House. Sir, our object has been to compel the action of the House upon various subjects of importance. I have never suppressed any motive or objects, so far as regards any thing I have done, which may have a tendency to forward or retard the business of the House. For the last two months I have uniformly said, to all with whom I am politically associated, that the true policy and the best interests of the country required that certain great and important measures should be acted upon at the present session of Congress. I have declared repeatedly, that unless these important subjects could be interposed and acted upon before all the appropriation bills were passed, they would not be acted upon at all. I have often said (and I hope the hint will not be neglected) that, the moment all the regular appropriation bills are passed, and Michigan and Arkansas shall be admitted into the Union, we shall find ourselves suddenly adjourned, without taking a vote upon a single question besides, of importance or interest to the public. Yes, sir, unless the minority in this House can so manage as to keep in reserve until the last of the session either the bills for the admission of Michigan and Arkansas, or such bill as the light-house or harbor bill, in charge of the gentleman from Pennsylvania, [Mr. SUTHERLAND,] or the internal improvement bill, either of which would command a greater attendance of members than any other measures which can be brought before the House, we shall have neither a decision nor discussion of the deposite bank bill, the bill for the distribution of the surplus revenue, the executive patronage bill, nor the joint resolution proposing to amend the constitution so as to prevent the election of President and Vice President from coming into the House of Representatives. It is possible that a mere vote upon the bill, as reported from the Committee of Ways and Means, regulating the public deposites, may be taken, without discussion, as recording the yeas and nays upon any amendment whatever under the operation of the previous question, but that is all that need be expected. Does not the gentleman from New York [Mr. CAMBRELENG] give warning that such is the settled decree of the party, and that the House will not vote upon the bill for the distribution of the surplus revenue, by availing himself of the bill under consideration in laying his views upon that subject before the public? Let those concerned be advised in season; and rely upon it, that, unless they act upon this suggestion, and by their united action compel a different result, they will find my prophecy verified. I do not say, sir, that there are not individuals of the party in the majority in this House who do not think differently, nor will I affirm that there is any settled determination on the part of the majority to close the session without deciding upon the important measures to which I have alluded; but, sir, there will be found to be an influence somewhere, sufficiently active and powerful to accomplish this purpose, unless it is frustrated by the concert and energy of the minority. That portion of the party which may be otherwise inclined will find themselves swept along by a current which they cannot resist. It has been to counteract this course, it has been, if possible, to force the House to do business, and to act upon every important question before it, that I have directed my efforts, instead of seeking to delay or defeat the business of the House.

But, Mr. Chairman, to return to the charge, that I wasted the time of the House by a discussion upon a motion which was negatived by so large a majority of the House. Let us inquire for a moment whether that discussion was productive of no good to the country. Have gentlemen forgotten the extravagant proposition made in the other end of the Capitol, by the leader of the party in that body? Have they forgotten that the whole surplus revenue was then proposed to be expended, or rather squandered, upon the public defences, and chiefly upon fortifications? Have gentlemen lost sight of the character of certain bills reported by the distinguished gentleman [Mr. JOHNSON] who is at the head of the Committee on Military Affairs in this House, for new fortifications, and the scheme of extravagant expenditure upon which they were founded? Need I remind the committee of the eminent position in the party which that gentleman occupies; and can there be any reason to doubt that when those bills were reported, and the proposition to which I have alluded was made in another branch of Congress, they were in strict conformity with the views and policy of the administration? Where now, sir, are the advocates of the wild and extravagant plan of fortifying every exposed point upon our extensive maritime frontier? Have you seen, sir, the late report of the Secretary of War? Do you know that the President is said to have approved the doctrines and policy of that report in relation to the public defences? Sir, the long train of fortifications with which it was proposed to deck our seacoast has been lately and unexpectedly battered to the ground. The Secretary of War has demonstrated the absurdity and want of utility in the whole scheme, by a clearness and force of reasoning which is irresistible. And, sir, what is further worthy of remark is, that this report of the Secretary, which is said also to have the approbation of the President, strongly recommends that, before we proceed further in the execution of the plan of defence by fortifications adopted and acted upon for so many years past, there should be just such an examination into its nature and defects as I advocated in relation to the policy of attempting to establish and improve so great a number of navy yards. And why, sir, not pause and inquire whether there may not be sufficient reason to change our policy in the one case as well as in the other? We have now the highest professional authority for saying that our system is defective in both those branches of the military defences of the country. Millions have been expended in carrying into execution a system of fortification long since adopted, as well as upon our numerous navy yards. That circumstance, we are told, should constitute no objection to the delay and investigation which are recommended in one case, and it should be none to a similar investigation in the other. I am not so weak, sir, as to imagine that I have contributed in any degree to bring about that change in our public councils upon this subject, which has undoubtedly taken place in the last month or two. It is enough that my object is about to be accomplished by the combined action of all who have either said or written any thing upon this question. Public sentiment has been acted upon, and that has in turn acted upon those in power. A great change has

been produced for the better, so far as regards the wisdom and economy of the proposed system of national defence. I congratulate the country upon it. It is by free and open discussion here, and discussion alone, that we can hope to effect those changes upon many of the important subjects which the public interest and safety so much require.

I shall not pursue this subject further at present. Before all the bills making appropriations for the public defences shall pass, and after I shall have had the views of other gentlemen who desire to take a part in this discussion, I propose to enter, more at large than I have heretofore done, into many subjects connected with the public welfare at this juncture.

Mr. MERCER addressed the committee at some length on the subject, and moved to strike out the clause proposed to be amended, and insert the following:

For the purchase or construction of a foundry for ordnance, at such place as the Secretary of War, with the approbation of the President of the United States, may select, and for defraying the expense of conducting the operations of such foundry for one year, including the purchase of necessary tools and materials, the sum of —— hundred thousand dollars; and that the further sum of —— hundred thousand dollars be appropriated to the purchase of ordnance for immediate use.

Mr. MOORE, of New York, took the floor; and, on motion of Mr. BYNUM, the committee rose,

And the House adjourned.

THURSDAY, APRIL 28.

DEPOSITE BANKS.

Mr. PIERCE, of New Hampshire, asked the consent of the House to take up and dispose of the resolution submitted by the gentleman from Virginia, [Mr. DROMGOOLE.] He hoped there would be no objection, for it seemed to him that it was due to the gentleman, and also to the Secretary of the Treasury, that it should be disposed of.

Objections having been made,

Mr. PIERCE moved a suspension of the rules; and the motion being put, a quorum did not vote.

The question being again taken, it was decided in the affirmative.

The resolution was then taken up and read, as follows:

"*Resolved*, That the Secretary of the Treasury be directed to communicate to this House full information of the mode and manner of selecting banks in the several States or Territories for the deposite of the public money of the United States; of all contracts, agreements, or stipulations, entered into with said banks for the safe keeping of said moneys; that the Secretary of the Treasury also state what agents have been employed, the nature and extent of their agency, and the compensation which such agents have received in any way from the Government of the United States; and that he also state what officers or agents on the part of said banks have in any way participated or been instrumental in the formation of any such contracts, agreements, or stipulations, concerning the deposite and safe keeping of said moneys in said banks."

The question being on the motion of Mr. WISE to amend the resolution by adding to it the following:

"And that a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposite for the public money; the contracts with the Treasury Department by which they are regulated; the manner in which, and the persons by whom, such contracts are or have been made; into all correspondence whatsoever touching contracts for the deposite of the public money; and into all connexion or relation, official or unofficial, which exists, or has existed, between any person or persons and the Treasury Department, or between them and the deposite banks, or any individuals or banks, touching the custody and the control and deposite of the public money; or between any department of the Executive and any individual or individuals or banks, touching the disbursements of the public money, appropriated or unappropriated by law; and into the amount of compensation of any or all agents whatsoever, official or unofficial, connected with the said Department or said banks, touching the disbursement, safe keeping, or deposite of the public money; and into the manner in which the public money in these [deposite] banks has been used, and into its security; and that said committee have leave to report by bill or otherwise.

Mr. BOND resumed and concluded his remarks; the whole of which are given entire in succeeding pages.

Mr. B. addressed the House as follows:

Mr. Speaker: The subject now under consideration involves an inquiry which the people of this country cannot view with indifference. Our situation is novel and peculiar. History may be challenged to produce a parallel.

Whilst other nations are inquiring where and how they can obtain the means of paying their ordinary expenditures, we are disputing about the most approved mode of disposing of our millions that will remain after all our usual appropriations shall have been paid. Another striking contrast is furnished in the fact that other Governments, generally, are not only embarrassed with debt, but are constrained to inflict onerous taxation on their citizens for even current expenses; whilst the United States has finally discharged a national debt of vast amount, besides meeting ordinary expenditures, and still has an immense residuum, accumulated under a system so happily devised that no exaction has been felt or seen. It is, perhaps, because we have felt so little of the toil and anxiety usually incident to the accumulation of money, and have been equally free from the iron grasp of the tax-gatherer, that we are now, as I fear, becoming lavish in our expenditures and careless of our treasure.

In this hall, a capricious rule has been formed, which devotes nearly our whole time to the consideration of bills involving expenditures and appropriations of vast sums; but only an occasional morning hour can be snatched for the inquiry whether the money, by which these appropriations are to be met, is in the custody of safe and trust-worthy agents! Prudence would seem to dictate that the latter should be the subject of primary importance. If we are not vigilant—nay, inquisitorial—over the public money, we may be left to the mortifying reflection of having voted millions without finding the means of paying hundreds! We should first see where the money is, and be satisfied that it is safe to let it remain.

According to the returns to the 1st of the present month, (April,) the public money in possession of the deposite banks amounted to $36,741,276 50. It is, too, constantly increasing. This money belongs to the people of the United States. The amount is enormous; it is subject to our supervision as the representatives of the people, and they require of us constant vigilance over our trust. We did not accumulate this money, nor did this administration accumulate it; it is the product of a wise and beautiful system, devised by those who happily administered this Government long before the present dominant party came into power. This administration and this Congress are but trustees, who have had cast on them the care of a large fund, accumulated by the wisdom and management of other hands; and it will be well if we are faithful in preserving the integrity of the trust.

The resolution of the gentleman from Virginia [Mr.

Drayton] merely proposes to inquire of the Secretary of the Treasury for information which is already in our possession. But Mr. B. said he wished to go behind the return and statements made by the deposite banks to the Treasury Department. He presumed the Secretary had already communicated to Congress all the information which the Department possessed on the subject of the deposites; and he thought it unnecessary to require a repetition of it. It was high time that the verity of these returns, and especially the solvency of the "pay-lists" and "other investments" of these banks, should be tested by a stricter analysis than the merely formal inspection of a written return. This would be required and done by any individual proprietor of a large deposite in a bank; and nothing less will or ought to satisfy the people. The true and appropriate test will be attained by the amendment offered by the gentleman from Virginia, [Mr. Wise;] and, if there is a consciousness that "all is well," and as it should be, there ought to be no shrinking from this investigation.

Mr. B. said that, although he felt great solicitude on this subject, he would not now have troubled the House with any remarks, if, in connexion with his apprehension for the safety of the public money, he had not recent cause to fear that the currency and domestic exchange of the country, especially in the State of Ohio, which he had the honor in part to represent, if not already, were about to be greatly deranged.

He regretted to say that these fears were created by what he esteemed the improper use made of the people's money by some of the deposite banks. He began to suspect that these depositories, being clad "in a little brief authority," were about to play, not "fantastic tricks," but a despotic game. By permission, he then read the following circular:

"Clinton Bank of Columbus,

"*April* 6, 1836.

"Sir: The large amount of paper received from the land offices, and the difficulty and expense of converting it into funds receivable by the Treasury Department in the Eastern cities, (whither nearly the whole amount is necessarily required to be transmitted,) will compel this institution in future to decline receiving, through that channel, the paper of all the banks of the State, other than the deposite banks, that will not consent to redeem the paper so received by drafts on New York, Philadelphia, or Baltimore, payable thirty days from date, at par.

"Permit me to inquire whether it is the wish of your institution that your paper shall be received upon these terms.

"Instances occur daily of Eastern funds being converted, at a profit, into the paper of the local banks, which is paid into the land offices, and the burden of converting the paper again into Eastern funds is thrown upon the institutions receiving the public deposites.

"You are aware that we have heretofore received the paper of all the banks of the State, without condition or discrimination. We regret that the rapid sale of the public domain, and the premium which it costs to convert such paper into the medium in which our remittances are made, will not permit us to continue to do so.

"Be pleased to let us hear from you in reply as early as practicable.

"In the mean time, we have directed the receivers who deposite here not to receive, after the 20th instant, the paper of any bank of the State, (other than the deposite banks,) unless hereafter instructed to that effect by this institution.

"Very respectfully,

"J. DELAFIELD, Jr., *Cashier*.

"——— ———, *Cashier*."

Mr. Bond proceeded. I ought to inform the House that three banks in Ohio have been selected as deposite banks, viz: the Franklin Bank of Cincinnati, the Commercial Bank of Cincinnati, and the Clinton Bank of Columbus; from the last of which comes the circular just read.

Before I comment on this paper, I must beg the kind indulgence of the House in calling its attention to a portion of the history of this country, connected with its finances. Whether it be true or not, that "history is philosophy teaching by example," all will admit that many useful and instructive examples, both for national and individual use, may be drawn from that source. It is, I presume, within the recollection of gentlemen, that for a series of years previous to, and inclusive of, the year 1833, this country enjoyed as uniform and sound a currency and circulating medium, together with an equally uniform, just, and moderate rate of exchange, both domestic and foreign, as has ever been known any where. The notes of all the State banks were in undisputed credit, and had an extensive circulation. The notes of the Bank of the United States were current at par, for all business purposes, throughout the whole country; and, in fact, commanded, as they still do in many of the States, a premium over gold and silver. A well-regulated system of exchange enabled all who wished to do so to transfer funds from point to point, in every direction, without risk, frequently at par, and rarely above the rate of the half of one per cent. The commerce and intercommunication among the States greatly improved. The hardy and industrious citizens of the West, and of Ohio in particular, though many of them were destitute of capital, availed themselves of a credit justly due to their integrity and enterprise, and engaged in pursuits which promised to reward their labors. The monopoly of the rich usurer seemed destined to be destroyed, and a prospect opened giving the poor the means as well as the right to compete with the rich in every pursuit. Many of our citizens engaged in the purchase and sale of cattle, and in that pursuit were enabled to visit and make purchases in Indiana, Illinois, and the "far West," without the encumbrance and risk of carrying specie, and, above all, without being obliged to submit to the extortion of the usurer and the broker. I presume similar advantages were enjoyed throughout the United States. The whole system of currency and exchange was so uniform, regular, and well established, that it was thought to be almost impossible to disturb it. In a space of ten years, from 1820 to 1830, only twelve new banks were incorporated, and the improvement and value of property gradually increased. The country was inclined to profit by the disastrous experience of the interval between the expiration of the charter of the first Bank of the United States, in 1811, and the creation of the second bank by Congress, in 1816. Great losses, public and private, having been sustained under the exclusive State bank system, the public money, not long after the second bank went into operation, was there deposited; and, excepting a short interval, which I will presently notice, continued so to be deposited until the abrupt removal in 1833, when the whole system was changed! Mr. B. said he was necessarily compelled to refer to the Bank of the United States and the removal of the deposites; but he did so with no wish to revive what he conceived would now be a useless discussion, here or elsewhere, about the charter of the late or any other Bank of the United States. That subject, for good or for evil, had already been disposed of, and he was unwilling to revive it. But he said he was constrained to refer to certain facts and events connected with the name of that bank, and necessarily associated with the subject now under consideration, and the positions he wished to establish.

The system by which the public moneys were so successfully managed, and the general currency and exchange so justly and happily regulated, for a series of years, as has been already remarked, was suddenly changed in the year 1833. This change was made with full admonition of the evil consequences resulting from such a course, in the sad experience of a similar but far less violent measure—I mean the refusal to renew the charter of the first Bank of the United States, in 1811. Then, as in 1833, much was said about substituting an equally good or better system; and every assurance was given that no extraordinary increase of banks or expansion of paper circulation would follow. What did the sequel prove? In the first three years thereafter, the number of State banks increased from eighty-eight to two hundred and eighteen, and in capital from about forty millions to eighty millions of dollars! The expansion of bank issues during the same period was in equal or greater ratio. In the year 1815, (specie payments having been generally suspended during the previous year,) a further addition of thirty-eight State banks was made, with about eight millions of capital! A disordered and unsound currency, and a grossly irregular exchange, followed. In 1816 the notes of all the Baltimore banks were at a discount of about eighteen per cent. in that city; and I have obtained a table, which shows the depreciation of all the bank notes of the different States to be equally or nearly as bad, except in Boston, and perhaps one or two other places, at which specie payments had not been suspended. I will say nothing of the individual loss and distress which followed. The enormous public losses greatly embarrassed the Treasury, and created general consternation. This, sir, took place under a system which was substituted for one now generally admitted to have been extremely useful, but which was abandoned, as it now seems, under the visionary hope of obtaining something better. The original and true democratic party of the United States were then in power in the General and most of the State administrations—I mean that party who declared and prosecuted the war of 1812 against England, and whom, even at this day, it is considered an unpardonable heresy to have opposed! Yet, discovering the error of the new system, that same party, in the spirit of candor and patriotism which will always distinguish them from the mock democrats of the present day, admitted the mistake, and repaired the breach with every possible promptitude. Under the auspices of the illustrious Madison and the democratic Congress of 1816, the late Bank of the United States was chartered, and the glorious and happy system was instituted, which, as before observed, was fraught with such signal advantages tothe country.

In addition to its wholesome influence on the currency and exchanges, it induced a general resumption of specie payments; it assumed and made good to the public Treasury upwards of seven millions of uncurrent if not doubtful paper; and, at the time of its discontinuance, had collected and disbursed more than two hundred and fifty millions of public revenue, without the loss of a single cent to the country. How forcibly does this result contrast with the disastrous events of the substituted system which I have before alluded to! The private and public losses need not be recapitulated. One item of public loss is still continued in the annual report of the Secretary of the Treasury, amounting to one million one hundred thousand dollars of insolvent State bank notes! But, in despite of experience, and regardless of danger, the country has been forced into a repetition of this experiment.

Mr. B. said he would call the attention of the House to the grounds assumed and assurances given by Mr. Secretary Taney at the time of the removal of the deposites. Was the Secretary correct? If such was the case, then it is certain, from the present disordered state of the currency and exchange, with a strong probability of its increase, that the deposite banks are not acting in good faith, or they are not properly regulated. But if they are acting in good faith, and also properly regulated, then Mr. Taney was mistaken, and has injured the country by depriving it of substantial benefits without sufficient reason, or furnishing any adequate substitute. After making the change, Mr. Taney, in his report of December, 1833, says: The State banks can, I have no doubt, furnish a general circulating medium, quite as uniform in value as that which has been afforded by the Bank of the United States; probably more so. Again he says: "It became necessary that arrangements should be immediately made with the new depositories of the public money, which would not only render it safe, but would, at the same time, secure to the Government and to the community at large the conveniences and facilities that were intended to be obtained by incorporating the Bank of the United States."

Again Mr. Taney reports: "And by agreement among themselves [the deposite banks] to honor each other's notes and drafts, they are providing a general currency at least as sound as that of the Bank of the United States; and will afford facilities to commerce, and in the business of domestic exchange, quite equal to any which the community have heretofore enjoyed." And in that same report Mr. Taney says:

"Every object which the charter of the Bank of the United States was designed to attain may be as effectually accomplished by the State banks."

Mr. B. said it would be seen by these extracts that Mr. Taney assured the country that, by this system, we should have, not the benefits which we were actually enjoying under the charter of the bank, but more, (if all the advantages of the charter were not enjoyed;) for, he says, this change will secure to the Government and the community at large the conveniences and facilities, nay, every object which that charter was designed to attain. Now, let us pause, and inquire whether these assurances of the Secretary have been or are likely to be realized? The system of deposite banks has been in operation nearly three years; and what are its practical results? The notes of the Bank of the United States were current throughout the country, and consututed a circulating medium of uniform value, equal to, and, in some instances, above, gold and silver. Do the notes of the deposite banks answer this purpose? No, far from it; they have a local circulation, and do not command the general confidence of the community in any greater degree than formerly. Herein, then, is a total failure and disappointment; we have no substitute for the general circulating medium furnished by the Bank of the United States. But not only are the people thus put to inconvenience, with a certainty of loss, in the want of uniformity in value of the deposite bank notes, but the Government itself is already under the necessity of incurring risks and expense in transporting specie to points where the notes of the Bank of the United States were formerly current. Such being the experience of the new system, is it not strange that the present Secretary of the Treasury (Mr. Woodbury) should tell us, as he does in his last annual report, "that the general currency of the country has, in the mean time, greatly improved, instead of deteriorated?"

The uniform excellence of the currency at the time of the change is well known. Is the Secretary sincere when he says it is improved? The truth is, it was scarcely susceptible of improvement. But when he says it is improved, instead of deteriorated, I call for facts, and am not content with his naked declaration. What does he mean by the terms "general currency?" If he mean gold and silver, these certainly are no better than they

were in 1833; and, indeed, the gold is not quite so fine as it was at that time; for, in the grand conception of the "yellow boy humbug," it was determined to use less gold and more alloy, but still call it all gold. But I presume the Secretary means that the whole currency of the country, both metallic and paper, is improved. This, too, I deny; it is not warranted by the facts. It must be admitted (for the transactions of the day show it) that, at this time, none of the State bank notes command the confidence of the community, and answer all the purposes of gold and silver, as did the notes of the Bank of the United States. If we compare the proportions of gold and silver with the amount of bank note circulation at this time, there is less cause for confidence in the latter now than formerly. And, as there has been a greater increase of banks and banking capital in the United States, during the last five years, than was ever before known in a similar period, accompanied, too, with a correspondent expansion of bank note issue and circulation, we must be still more astonished that Mr. Woodbury should have reported "that the general currency of the country is improved, instead of deteriorated."

I cannot omit here to invite the particular attention of gentlemen to the extraordinary increase of banks since December, 1829, when the first assault was made on the Bank of the United States. It should be remembered that this attack was made, and has been continued, under the allegation that the banking system is wrong, and was now to be restrained, if not abolished. I have before stated that, after the restoration of a sound and uniform currency, and public confidence was established in the Bank of the United States, as well as in the several State banks which survived the shock of the dreadful crisis before alluded to, there were but twelve banks chartered in the next ten years terminating in December, 1829. But mark the extraordinary change! From January, 1830, to January, 1835, there were chartered two hundred and thirty-eight banks, with an aggregate capital of eighty-six millions, making, with the others then in operation, five hundred and fifty-eight banks, with a capital of more than two hundred and thirty-one millions of dollars! And since that time, still further and enormous additions have been made by the creation of other banks with very large capitals in most of the Western and Southwestern States. All this has been principally done by that same party who professed to be opposed to banks, and promised to substitute the "yellow jacket" currency. The friends and supporters of Mr. Van Buren, a prominent candidate for the presidency, had a decided majority in the General Assembly of Ohio during the winter of 1833-'34, immediately after the removal of the deposites; and at that time they professed to be in favor of a metallic currency, but chartered a number of banks, having an aggregate capital of more than five millions of dollars! And in Mr. Van Buren's own State, (New York,) promising, as he and his friends did, an abandonment of the paper system, they have, in the last four or five years, increased the number of banks from about thirty-seven to eighty-seven! Here is a discrepancy between professions and practice, which a just sense of propriety will not fail to condemn as a cunning stratagem to deceive the people, and practise on the credulity of the country.

Notwithstanding this alarming state of things, Mr. Woodbury says "the general currency of the country is improved, instead of deteriorated."

In connexion with this branch of the subject, Mr. B. said he would briefly refer to the state of our domestic exchange. Tabular statements showing the rate of exchange were often appended to the returns of the Bank of the United States, and may be seen if gentlemen will take the trouble to refer to them. By these it appears (and my own recollection confirms the fact) that the whole exchange system was, for a series of years, and at the time of the removal of the deposites, conducted at just and uniform rates, and certainly with signal advantage to the country. In Mr. Taney's report, as already quoted, he says the State banks "will afford facilities to commerce, and in the business of domestic exchange, equal to any which the community have heretofore enjoyed." And Mr. Woodbury, in his last annual report, says: "The facilities that have been furnished to the commercial community in domestic exchange were probably never greater, or at so moderate rates." After this declaration, it is strange that he did not furnish tables showing the rate of exchange throughout the country, as we might then have instituted a comparison of the rates under the two systems. I am compelled to question the fact thus stated, because the commercial experience of the last year is at variance with it, and the daily accounts show the domestic exchange to have risen. But the Secretary, being willing, I suppose, to afford some light on the subject, terminates his annual report with what was probably the only exchange table he had. And what, sir, do you suppose it contains? Why, instead of exhibiting the rates of purchasing and selling exchange at the principal cities and towns in all the States, we have an account of some petty operations at Portsmouth, New Hampshire. By this we hear that this bank purchased domestic exchange, in the space of forty-two days, to the amount of nineteen thousand two hundred and fifty-one dollars, and sold checks for thirty-six thousand six hundred and forty-five dollars! How marvellously important! And the Secretary also informs us that this Commercial Bank purchases and collects exchange on New Bedford, Nantucket, Bangor, Dover, and Concord! and that the Merchants' Bank of Boston purchases exchange on Taunton, Beverly, and Marblehead! But in this table, so imposingly exhibited, an entire silence is observed as to the rates on which these banks sell checks or drafts on other places.

I have compared this meager exchange table with that of the Bank of the United States in 1833, when the new system commenced; and it will be apparent to any person who will make the examination, that the advantages in the rate of exchange were decidedly greater than they are shown to be by the imposing operations in this New Hampshire bank.

Mr. B. said he would next turn his attention to the circular of the Clinton Bank, as he thought it was nearly allied to this branch of the inquiry. By this paper it appears that that bank, on the 6th of this month, (April,) directed such of the receivers of public moneys as deposited with it, not to receive, after the 20th, the notes of any of the banks in the State of Ohio, other than the deposite banks, unless thereafter instructed to that effect by that institution.

In 1833 the notes of the Ohio State banks, with few if any exceptions, were received, without condition, in payment of all debts or revenue in that State. This, it seems, is no longer the case. An abrupt and extraordinary change is made, and I will presently speak of the oppressive influence of the change both on the people and the banks of Ohio. At present I allude to it for the purpose of showing the derangement of domestic exchange, and the erroneous calculations of Messrs. Taney and Woodbury. I here again invite the House to call to mind the particular passages which have been already quoted from the reports of the two Secretaries.

The first reason assigned in the circular for this measure is, that it "is difficult and expensive to convert the notes of these banks into funds receivable by the Treasury Department in the Eastern cities." Why is this so?

This objection did not exist in former years. What kind of funds can the Secretary require in the Eastern cities? Nothing, surely, beyond gold or silver. Do not all the banks in Ohio pay gold or silver for their notes on demand? Certainly. Are not many of them of old and well-established credit, and possessed of large capital? Yes; and, in all these particulars, several of them stand higher than the one which is now dictating terms. In saying this, I do not mean to impeach the credit of the Clinton Bank; but I think it right to call the attention of the House to the fact that this institution, now exercising this power, derived from the Treasury Department, is among the youngest banks in the State, having been incorporated in 1833-'34, and its capital, as reported by the Secretary, being only two hundred and eighty-nine thousand dollars.

It will be observed that this bank does not decline taking the notes of other institutions in payment of its own debts. Then, why are they rejected for those of the Government? The answer may be gathered from the circular. The banks are informed that their paper shall not be taken for the public debts, unless they will consent to redeem it by drafts on New York, Philadelphia, or Baltimore, payable thirty days after date, at par! The reason for dictating these terms is thus given: "Instances occur daily of Eastern funds being converted at a profit into the paper of the local banks, which is paid into the land offices; and the burden of converting the paper again into Eastern funds is thrown upon the institutions receiving the public money." Now, sir, on whom should the burden rest (if it be such) but on the deposite banks? They have the great and extraordinary advantage and profit incident to the enormous amount of public deposites on which they are operating; and the only consideration which they give for this is the engagement to transfer the public money as the necessities of the Government require. But it seems they begin already, in an indirect way, to demand new terms. If their contracts are onerous, they are afraid to avow it, and seek to defer the evil day by an attempt to cast the loss or inconvenience on the other institutions who have no portion of the profits. But believing, as I do, that these deposite banks are deriving great advantages from the use of the public money, for which they make no adequate return, their present movement creates a just fear that they design still to increase these advantages, by securing the circulation of their own notes and a like control over the exchange of the country. They begin this by discrediting the Ohio notes; and, finding this tolerated, and that they have the power to "create and destroy," they will soon, in turn, discredit the notes of the banks of other States, which they are now introducing among us. If, as Mr. Woodbury says, "the facilities in domestic exchange were probably never greater or at so moderate rates," whence originates the state of things disclosed by this circular? "Eastern funds being converted daily, at a profit, into the paper of the local banks!" But mark the balance of the sentence: the deposite bank does not complain of the burden of converting the paper of the Ohio banks into gold and silver, (which the Government is bound to receive,) but of the burden of converting it into "Eastern funds!" Here lies the rub! This is the unwelcome truth which the Secretary must at last acknowledge. But, in order to stifle and conceal it from public view as long as possible, the independent Ohio banks are forced to incur the loss and expense of furnishing Eastern funds for the Treasury, under the penalty of having their notes discredited. I hold, subject to the use of all who wish to refer to it, a tabular statement of the condition of all the Ohio banks; and I aver that they are as sound, and possessed of as ample means to answer all demands against them, as the banks of any other State in this Union. Their proportion of specie to paper circulation is probably greater than that of the banks of most of the States.

This measure is unjust and oppressive; the terms are dictated, not proposed as matters of negotiation, but absolutely dictated as a *sine qua non*. The banks are required to redeem their notes, not in gold and silver, but by drafts on New York, Philadelphia, or Baltimore, at thirty days from date, at par! This, sir, is but insult and mockery! In the present state of exchange between Ohio and those cities, it is far better to have their notes returned home upon them than to redeem them on the terms thus offered. The deposite bank complains of the burden of collecting the public money; and yet Mr. Woodbury says, "this Department takes pleasure in stating that the public money continues to be collected and deposited, under the present system of selected banks, with great ease and economy in all cases, and with greater, in some, than at any former period." The Secretary or the bank is wrong; both cannot be correct; for their statements are totally inconsistent.

But this power over the domestic exchange of the country has been frequently pronounced a dangerous one, which requires to be constantly and vigilantly guarded. Mr. Woodbury expressed and urged this opinion in his first annual report as Secretary of the Treasury, and there quotes with approbation the following passage from the late Secretary Crawford: "It is the establishment of the principle, and not the amount of the exaction, which will exhibit the power of the bank to lay contributions on the commerce of the nation *ad libitum*." And having used this argument against the Bank of the United States, Mr. Woodbury finds his new system subject to the same objection, but attempts to impair its force, and says that, "under a system of only detached and independent State banks, the community will be relieved from the danger and injuries to which it would be exposed under a great combined solitary power of a single institution, seeking often to control and monopolize, it is feared, solely for its own enhanced emoluments, the whole business of exchange, both foreign and domestic." I agree, sir, that this power over the exchange of the country is an important and dangerous one, no matter where it is held. It is a fallacious distinction, a mere subterfuge, to say it is not susceptible of abuse when held by a combination of State banks. It is in vain to call them "detached and independent," after they have formed a league. If these deposite banks cannot exercise this oppressive and dangerous power—if no one of them can seek and monopolize the exchange business solely for its own enhanced emoluments, wherefore has the Clinton Bank the power to prescribe terms in regard to debts due the Government, which secure the exclusive control over the circulation and exchange of the State? The terms prescribed are onerous, unjust, and oppressive. But for a moment concede them to be fair; they are dictated, and assume the power of imposition! What then becomes of the principle laid down by Mr. Crawford, and quoted with so much approbation by Mr. Woodbury? Suppose these terms are met and complied with, what prevents another and another imposition, until the other banks shall be literally persecuted and oppressed out of existence, and the entire and exclusive control is obtained by the deposite banks over the circulation and exchange? Then, sir, "this community" will discover, "it is feared," that it was not "relieved from the danger and injuries to which it was exposed under a great and combined power," (not, however, of a single institution with numerous branches, but) of about forty "detached and independent banks," extended into every section of the country, acting in concerted system under a great central viceroy at Washington, who at this moment is shrouded in greater mystery than the secret mover of Maelzel's chess-player. But this

viceroy has a viceroy over him, and the enormous money power of this nation is now controlled by a single hand! Were the liberties of the nation in danger under the former system, they are now doubly so!

The capital of the Bank of the United States was thirty-five millions of dollars, and this was divided and used by the bank and its twenty-three branches. The public deposites rarely exceeded five millions of dollars, and were soon called for in the discharge of the public debt and expenditures. Thus it rarely happened that the money power, admitting the danger of its abuse, exceeded forty millions. But behold the contrast! The combined capital of the present deposite banks is upwards of forty-three millions of dollars; their number at present is thirty-six, and the power to add to it is unlimited! The public money known to be on deposite is near thirty-seven millions of dollars, and is daily increasing. Five millions more are at this moment expected from France and Naples, in payment of indemnities; and the seven millions of the United States Bank stock will soon be paid; and thus, instead of forty millions, there will be nearly one hundred millions of dollars subject to this abuse? And as we have now no national debt to reduce this money, (except the balance due to some of our citizens out of the indemnities just mentioned,) and as Mr. Van Buren's friends, who ho'd the power in Congress, will not, it is said, agree to divide this money among the States, the fund must continue not only large, but subject to be lost by the insolvency of the banks, or to be used and abused, by bringing "the power of the General Government into conflict with the freedom" of the presidential election which is soon to take place!

Sir, (said Mr. B.,) the people of Ohio are patriotic, brave, and independent: they love their country, and will devote their "lives, fortunes, and sacred honor," to its defence. They are jealous, too, of any encroachment on their State rights; they have just cause to be proud of their State, and will not suffer its sovereignty to be tarnished. They abhor, and will resist, tyranny and oppression, come when it will, or from whom it may. The step now taken there is but an incipient measure—an experiment; it will be met, and, I trust, resisted. If tolerated, it will soon be re-enacted in another and another State, until the system of "detached and independent banks" shall secure to itself the exclusive control as well over the bank note circulation, as all the business of exchange throughout the United States. I now warn and admonish gentlemen to be on the alert, and join Ohio in the early, prompt, and determined resistance of this despotic and oppressive measure! That which is a present trouble with us awaits you all: your house will be next on fire, if the flame be not at once subdued. A careless indifference and sluggish lethargy at this crisis will, I fear, soon discover to the people that they have been allured, not by the siren's song, but the subtle reasoning of the wily Secretary!

Mr. B. said he would here beg leave to read to the House the following notice, issued by the receiver of public moneys at Zanesville, in Ohio:

"NOTICE TO LAND PURCHASERS.

"Pursuant to instructions received from the Clinton Bank of Columbus, dated April 6, 1836, there will not be any money, other than that annexed below, received at this office in payment of public lands after the 20th of this month.

Gold and silver.

Ohio.—Paper of the deposite banks, viz: Clinton Bank of Columbus, Commercial Bank of Cincinnati, Franklin Bank of Cincinnati.

New York.—Paper of the banks in New York city, Albany, and Buffalo.

New Jersey.—Paper of all the banks.

Delaware.—Paper of all the banks.

Pennsylvania.—Paper of the banks in Philadelphia, York Bank, Lancaster, Harrisburg, Middletown, Columbia Bridge, Chester County, Chambersburg, Carlisle, Pittsburg, Merchants and Mechanics' Bank of Pittsburg.

Maryland.—Paper of the banks at Baltimore; Farmers' Bank of Maryland and branches; Hagerstown Bank; Frederick County Bank; Farmers and Mechanics' Bank, Frederick County; Washington County Bank.

District of Columbia.—Paper of all the banks.

Virginia.—Paper of the Bank of Virginia and branches; Farmers' Bank of Virginia and branches; Bank of the Valley of Virginia and branches; Merchants and Mechanics' Bank, Wheeling. JOHN HALL, *Receiver.*"

It is understood that similar instructions are given to the other receivers who deposite at the Clinton Bank. These orders most seriously affect, and indirectly control, the currency and banks of Ohio. Notwithstanding their established credit and ample means, and although their notes are payable and paid in specie on demand, the banks in Ohio are to be discredited by the Government; and for this purpose, power is given to one of the youngest institutions in the State! What renders this outrage and oppression still more unjust and odious is, that, simultaneously with the discredit of the Ohio banks, it is announced, from the same source, that the public debts in Ohio may be paid in notes of the banks in New York, Albany, and Buffalo; in notes of all the banks in New Jersey and Delaware, and of the District of Columbia; and in nearly all the banks of Pennsylvania, Maryland, and Virginia.

By this measure, Ohio is to be deprived of all the leading advantages of her banks; and her own citizens will be constrained to become the reluctant instruments of the work! Our own banks, with which our people are familiar, and whose operations have so essentially contributed to aid the enterprise of her citizens, and to the general prosperity of the State, are thus suddenly discredited, without cause; and the notes of favored banks in New York and some other States are to take their place. The direct tendency of this step is to drive the notes of the Ohio banks out of circulation, and to transfer the specie from the State to the Atlantic cities, especially New York; to which, it seems, all the States must pay tribute; and before long, probably, we shall be all constrained to make there a kind of pilgrimage, as to Mecca!

The circulation in Ohio is hereafter to consist of the notes of certain favorite banks, most of them situate in distant States, and of which our people have no knowledge whatever. This operation promotes the interests of the few, to the injury of the many, and constitutes an odious monopoly! Heretofore, when the people of Ohio wanted specie, and held the notes of her banks, it could be easily obtained; but when those banks shall have been, as they are about to be, oppressed out of existence, and the notes of the New York, New Jersey, and other State banks, shall constitute our circulation, where will our people get specie for an emergency? Mr. Taney, in his report, said: "By agreement among themselves [the deposite banks] to honor each other's notes and drafts, they are providing a general currency, at least as sound as that of the Bank of the United States." Has this agreement been formed? Will these deposite banks redeem, when in the hands of individuals, the notes of each other, indiscriminately? They are not bound to do so by any express contract, of which the public is aware, and certainly no implied promise exists. In this, then, the nation has been disappointed. But Mr. Woodbury, in his report, says, many of these banks "have entered into salutary arrangements for the redemption in our larger cities of most of their bills which may be

received in payment of public dues." Here, then, is the "better currency" which was promised! Let us analyze it. The Secretary says many—not all, but many—of these banks have a salutary arrangement—not to honor each other's notes, whether held by the Government or people, as implied, if not expressed, in what Mr. Taney said, but to redeem, in our large cities, not all, but most of their bills not held by individuals, but which are received in payment of public dues. By the contract, in regard to the public deposites, as reported by the Secretary, the deposite banks are bound to transfer all moneys for the Government. Then, what advantage or accommodation is gained by this salutary arrangement, either to the Government or people? None; it is a mere parade, used *ad captandum*. The Government did not need it, and the great body of the people rarely go to New York and the other large cities; but if they did, they could not avail themselves of this salutary arrangement, for it is only to redeem notes received in payment of public dues! The community, then, will be obliged to submit to losses and discounts on the different bank notes, the profits of which will pass into the hands of the usurers or brokers, who will soon be found in every town and village of the State. Since this oppressive step, its influences are already felt. I have to-day seen a newspaper, printed in Cincinnati, which states that all the notes of the Ohio banks, not payable in that city, are at a discount there of from one to five per cent.

We were promised a better currency; and the improvement consists in substituting bank notes to which we are entire strangers, for those we are familiar with and have confidence in! We were told by Mr. Taney that the "change had rescued the poorer classes from almost the whole inconvenience to which they chiefly were exposed, by the discredit of bank notes, and from most of the losses they suffered by counterfeits." What an instructive commentary is the order referred to on the text just quoted! The first movement of the Treasury is to drive out of circulation, "at one fell swoop," all the notes of twenty-eight out of the thirty-one Ohio banks, in which many of the people have a direct interest, and all have confidence! This step is immediately followed by introducing among us the notes of some forty or fifty different banks of other States, in which the citizens of Ohio have no interest and but little confidence, and in receiving which they will be doubly exposed to all the inconvenience arising from discredited bank notes, and their danger of losses by counterfeits increased tenfold.

We are told by Mr. Woodbury that the currency was never more uniform, nor domestic exchange at so moderate rates; and yet his agent in Ohio says that the notes of the State banks before mentioned command a premium in Ohio—a state of things, until now, unknown there for many years. I am assured by an intelligent merchant just from Ohio, and the same thing is confirmed by a letter from a gentleman of great respectability in that State, that the banks in Columbus (the Clinton Bank being one of them) are unable, or decline, to furnish checks on the Eastern cities upon any terms.

We were assured by Mr. Taney that no one of these banks would, under his arrangement, possess that absolute and almost unlimited dominion over the property of the citizens of the United States which, he said, the Bank of the United States held, and by which it was enabled, at any moment, at its pleasure, to distress the country. Yet, we now see one of the youngest banks in Ohio holding all this power, derived, too, directly from the Secretary of the Treasury, and exercising it in a manner calculated to produce all the baneful influences and effects from which it was promised we were to be freed.

It is proper for me to explain to the House, that in the Western country it is essential to the general currency and credit of bank notes that they be taken in payment for public lands; and it is an immediate passport to a bank note to say of it that it is "land office money." With this explanation, I cannot here omit to press upon the consideration of gentlemen the violent and unhappy consequences which threaten the banks and people of Ohio, under this sudden change in their currency. At a moment when the circulation of all the banks is greatly expanded, and an extensive credit created in general business and trade, with no reason to anticipate a shock; at this moment, I say, the Treasury, by its agent, issues an order which discredits nearly the whole bank note circulation in Ohio, and must return the notes of the different banks so rapidly as to compel them, however reluctantly, to press their debtors. Here, again, it will be remembered that Mr. Taney, in his report, urged that all such reduction in circulation should be gradually made, without giving a shock to the currency, or producing a pressure on the community. By way of enforcing this self-evident proposition, he added, that such a pressure compelled the State banks to call on their debtors and curtail their accounts, which became still more onerous where specie was required; as, in such case, the banks were obliged to make requisitions in the proportion of five to one; that is, in order to get one hundred thousand dollars in silver, they would be constrained to reduce their accommodations or discounts five hundred thousand dollars. Are we not surprised, then, to see Mr. Woodbury adopting these very measures, so justly condemned by Mr. Taney, as producing disastrous consequences to the country? Mr. B. said he had fearful anticipations for his fellow-citizens, if this measure was persevered in, as it must compel the banks not only to curtail their discounts, and make heavy requisitions on their debtors, but, in the sequel, drain the State and people of all their specie, leaving in exchange a chequered circulation of bank notes from other States, to be in turn discredited. By this order, the notes of the bank in the town where the receiver resides, (Zanesville,) and the notes of the Franklin Bank of Columbus, in the same street and town with the Clinton Bank, are discredited, though equal, in all respects, and one, if not both, superior in others, to that deposite bank. Why is this so? Because they will not agree to redeem their notes in New York, Philadelphia, and Baltimore, on the same terms that they pay them at home.

But there is still another objection to this order: it acts by surprise on the people, and must subject them to great loss and inconvenience. As far back as in 1816, a joint resolution was passed by Congress, in the following words:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared; or in notes of banks which are payable and paid on demand, in the said legal currency of the United States; and that, from and after the 20th day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid, on demand, in the said legal currency of the United States." (Approved 30th April, 1816.)

At this period, the Government had been for some time in the habit of receiving the notes of many banks which had suspended specie payments; but by this resolution it was determined to do so no longer. There is an implied assurance, however, contained in this resolution, that the notes of all the banks which were payable and paid in specie should be received. It is now more than twenty years since that resolution was passed; it is still in force and unrepealed. It has been the constant practice of the Government to accept payment accordingly. And now, without any notice, and when it is evident that multitudes hold the notes of the Ohio banks, an abrupt change of this usage and policy takes place, and the implied faith of the resolution is violated, without any occurrence to justify it. I had hoped that the days of those petty dealers in discount on the currency of the country, who fatten on the necessities of men, and improve most when the currency is most deranged, had passed off, never to return. Having witnessed as well the gloomy hour in our deranged finances, when these harpies overspread the land, as the violent throes which followed before they were shaken off, I had hoped a repetition of these scenes would be long deferred. But the present policy of the Treasury Department must soon bring back that dreadful state of things. Already is the harvest opening in Ohio. The holder of our bank notes, if designing to buy public land, must relinquish this purpose if not convenient to the bank whose paper he has, or choose between the alternative of a journey to the bank, or the loss of discount at a bank note shaver's.

There is yet another fact contained in this circular which confirms the suggestion already made, that Ohio is to be drained of her specie. We are told by this circular that near the whole amount of the public money in Ohio is required to be transmitted to New York, Philadelphia, and Baltimore! Can this be so? If it be, whence this necessity? The Government, surely, cannot wish to concentrate in those cities the whole amount of the mighty revenue of the nation. I believe that, for every legitimate purpose, the public money already in those cities (without regard to its current accumulation) greatly exceeds the public wants at those points. There are, at present, in New York about eleven millions of dollars, in Philadelphia about three millions, and in Baltimore upwards of a million, exclusive of large deposites in Boston, and many other places east of the mountains. Why, then, is it necessary to withdraw the public money from Ohio? If there be any advantage in possessing it, the amount collected there is less, in proportion to her population, than she would be entitled to in any division of the surplus, and ought not, therefore, to be removed except for public necessity. But it seems the large cities must be pampered; they are insatiable in their demands; New York still cries give! give! and Ohio is bound already for the surrender! But I can tell gentlemen, the shrewd, proud, and independent yeomanry, farmers and mechanics of Ohio, are beginning to suspect that these enormous sums are required to be used for "other investments," commonly called "fancy stock," and in the magic work and luxurious ease of a certain moneyed regency which now controls the politics of the country. This suspicion will be followed by alarm, and a determined resistance at the threshold.

I have treated this measure as one emanating from the Secretary of the Treasury. His attention has been called to it, and it is not revoked. It must, therefore, be considered as disclosing the settled policy of this nation. I am also justified in so treating it, because the Globe, which is the organ of the administration, in expressly sanctioning it, holds the following language on the 21st of the present month:

"It appears to us that the bank was accommodating, rather than otherwise. Instead of specie, it takes drafts at thirty days' date in payment for the notes which it has to place as cash at the credit of the Government. It might well have exacted drafts at sight. We believe that the deposite banks, in place of having acted illiberally as to the receipt of notes of the banks on account of the public revenue, have been too accommodating. They have received them too generally for the public good. We believe, also, that the deposite banks, generally, ought to limit the receipt of all bank notes still more than the Clinton bank proposes to do; and we shall not hesitate to lend our aid in sustaining them in carrying out such a measure, if they will adopt it generally."

Comment on this is unnecessary. It proves the design to extend this system of oppression, as I have already intimated would be done. But as a matter of finance, and also as an interpretation of the law of contracts, the passages quoted from the Globe discover gross ignorance. All must be aware that neither a bank nor an individual is bound to redeem notes at any other place than where they are payable by their terms; and that the Clinton bank has no right to demand payment in drafts at all, much less in drafts at sight, as the Globe alleges. It is equally certain that, at the present rates of exchange, no bank in Ohio can, without loss, redeem its notes by drafts on the East, at par, even at thirty days' date. And if any of the Ohio banks accept the terms of this circular, the concession will be made to the power, and not to the justice, of the demand. This, too, will prove the power of the detached and independent bank system to monopolize and control the circulation and exchange of the country. I hope that none of the Ohio banks will submit to this degradation; but I fear the event is at hand.

The Government speaks through the Globe, and the mighty moneyed power which it now wields, addressed, as it is to the fears as well as the cupidity of banks, has all the secret influence of the "magician's" wand, and, in open warfare, is more "terrible than an army with banners."

I cannot leave this part of the subject without contrasting the policy of the present Secretary of the Treasury with that of the late Mr. Crawford, when he had charge of that Department in 1819. At that time a large amount of debt was due in the West for public lands; the two United States Branch Banks then in Ohio refused to credit the Government with any of the Ohio bank notes, as cash, and thus greatly reduced the facilities of the people in paying for their lands. Mr. Crawford, with a view to their accommodation, and to increase their facilities, discontinued the public deposites in the branch banks, and ordered them to be made in certain State banks, which were willing to credit, as cash, the paper of such of the banks (in circulation in the vicinity of the selected banks) as paid their notes in specie on demand, and were otherwise in good credit. Among the banks thus selected, I will particularly name the Bank of Chillicothe and the Franklin Bank of Columbus, whose general history I am somewhat familiar with. Though they discharged their trust in the strictest faith, and with great advantage to the Government, and have ever since, to this day, sustained the highest credit, they are now to be discredited by that same Government, without the shadow of pretext for doing so. And what renders this proceeding still more harsh towards the Bank of Chillicothe is, that that institution was found a most useful agent to the General Government throughout the whole of the last war, particularly during the gloomiest period of our financial embarrassments. At that crisis, sir, the Bank of Chillicothe made large advances of money to the country, the interest on part of which has never been discharged to this day.

Mr. Crawford, for public convenience, continued this system until the Bank of the United States agreed to receive on deposite the notes of the same banks as the State banks did. And when the connexion terminated, early in 1821, Mr. Crawford concludes his letter to the cashier of the Bank of Chillicothe in the following terms: "I avail myself of this occasion to express the satisfaction that has been produced by the good faith and accommodating disposition manifested by the Bank of Chillicothe during the continuance of the arrangement." The present determination of the Treasury Department to curtail rather than increase the facilities of the people of the West to pay for the public lands, stands in no enviable light, when compared with the transactions of that same Department at the period I have alluded to. Can it be possible that the rapid growth of the West begins to excite the jealousy or envy of the Secretary? Is our march to be arrested and checked at this moment, when there is a large amount of public land selling, and every facility for payment is again needed? It is not asked to enlarge, but merely to continue, the facilities as we have heretofore had them. Yet this is denied, and the order to curtail them is announced. This is done without that notice which all humane Governments uniformly afford. And the Globe says, instead of being unjust, it is an indulgence, as the facilities of payment ought to be still more circumscribed.

I have thus far discussed topics which are connected with the manner in which the public money has been used, and will now consider its safety under the present system.

The amount of public money in the deposite banks on the 1st of April, as already stated, was near thirty-seven millions of dollars; at this time it is no doubt above that sum. To this we must soon add the five millions coming from France and Naples, and the proceeds of seven millions of bank stock; making, in all, including the continued accumulation of revenue, at least fifty millions of dollars. At this juncture, is it not proper for us, the representatives of the people, to whom the money belongs, to inquire if it be safe? Were it our own money, this investigation would not be delayed a moment. It is our imperative duty to be equally vigilant as the representatives of the people. They expect it of us; and, if we omit it, be assured, sir, the trust will be rightfully and immediately taken from us, and we shall be told that we may be no longer stewards. We must test the safety of these deposite banks, and the verity of their returns, by every means within our power. The amount at stake is enormous—the risk is great. A timely call from a committee of this House may save millions, but a careless indifference will endanger the whole. I am astonished that any resistance is made to this measure by these banks, or their friends; it creates and justifies a suspicion that there is "something rotten in the state of Denmark!"

When the deposites were changed, Mr. Taney, in remarking on such an examination, and the reluctance to submit to it, said: "In the ordinary concerns of life, among individuals, no prudent man would continue to place his funds in the hands of an agent, after he discovered that he was studiously concealing from him the manner in which they were employed." Mr. Woodbury, in his first report, recommends, "as an improvement in the present fiscal system of employing State banks, to require the fullest returns to be made by them in relation to the actual capital paid in; their discounts, circulation, specie, and other circumstances throwing light on their probable safety and intelligent mode of conducting business;" and adds: "This, coupled with the power, through committees or commissioners, to verify the correctness of such returns, by actual examination, in cases of suspicion, will prove a conservative and highly useful measure to both the public and the banks, as well as the Government."

Examinations of this kind led to great improvements in the returns from the Bank of England; and it is the surest, if not the only way in which banks can acquire public confidence. Mr. Woodbury himself says: "All mystery on the subject of banking should cease. It is unworthy of the age in which we live, and the form of Government which we support; and the real condition of all banking institutions which claim public confidence and credit should be shown far and wide, to all interested, fully to deserve that confidence and credit."

After these opinions and principles, thus avowed by the two Secretaries, when discussing the very subjects now under consideration, and now, at a time when the amount of public money is so great, and our suspicions and fears are both justly excited in regard to the verity of the returns and safety of these banks, I am surprised to see such reluctance to submit to, and, indeed, an undisguised shrinking from investigation. Why this concealment? "All mystery on the subject of banking should cease. It is unworthy of the age in which we live, and the form of Government which we support." Let the real condition of these banks be known to the people, who have so much at hazard in these institutions. The solvency of many of these banks is doubted, and a scrutiny into their concerns is demanded accordingly. Why not take the suggestion of Mr. Woodbury, and appoint a committee to verify the correctness of the returns of these banks, by actual examination? I am decidedly of opinion that the public money is not safe. I do not hesitate to say that, if it were demanded at this moment, or even upon a six months' notice, many of these banks would be unable to pay. If specie only is received, as is the professed but not the practical usage of "the party," the debt cannot be paid at all? Let us examine for a few moments the condition of some of these banks. By the last return it appears that the Commercial Bank of Portsmouth, in New Hampshire, with a capital of $102,000, has about $10,000 in specie, with a circulation of more than $100,000, and holds upwards of $222,000 of public money! They have about one dollar in specie for every $20 of public debt! And, if you regard their loans and discounts, what evidence have we of the solvency of their debtors? This inquiry may be fairly urged against all of these banks.

The Savings Institution at Louisville, Kentucky, with a capital of $96,000, and something upwards of $50,000 in specie, has $510,000 of the public money!

The Farmers and Mechanics' Bank of Michigan, at Detroit, with a capital of $150,000, (whether all paid in or not is uncertain,) has $59,000 in specie, and upwards of $700,000 of the public money.

The Bank of Michigan, at Detroit, with a capital of $448,200, has $62,000 of specie, and upwards of $1,100,000 of the public money!

The Planters' Bank of Mississippi, at Natchez, with a capital of $4,000,000, has $438,000 in specie, and more than $2,740,000 of public money!

I could go through the whole list, and the results would be but little better. I repeat again, that the ability of all these banks to pay the public debts depends upon the solvency of their debtors; and this, together with the verity of their returns, ought to be tested by personal inquiry and inspection. The Secretary of the Treasury must necessarily be a stranger to these facts, and it cannot derogate from him in the slightest degree for this House to appoint a committee to make this investigation. I have already shown that he recommends this course.

One item in the returns of these banks is of a most suspicious character—I mean the column of "other investments," amounting, on the 1st of March, to about twelve millions of dollars! Mr. Woodbury says this item

is made up of "suspended debt, stock, bonds," &c. This explanation, so far from relieving, increases my fears and apprehensions for the safety of the public money. No well-regulated bank ever classes its suspended debts as an investment. A suspended debt often shows the insolvency, and always the present disability of the party to pay. What part of this $12,000,000 is made up of suspended debt? And I should like to know in what stocks, bonds, &c., these banks have been investing the public money. Stock operations generally, and especially in New York, where, it seems, much of this money is being concentrated, are, in many instances, speculative and visionary, approaching a continued scene of extravagant gambling! We hear of "fancy stocks," and of a strife between one set of operators called "Bulls," and of another called "Bears," with other refined names and cant phrases, which would make suitable additions to the dictionary of the "canting crew." Those who sell stock are, with a view to its high price, constantly engaged in puffing and tossing up its value in the market, and hence are called "Bulls;" but the buyers, equally vigilant over their interest, and designing to exert a counteracting influence, depress and tread down the value, and are therefore called "Bears." In this same strife, each day brings sudden fortune to one, and violent reverse to another! Is it safe to have the public money thus placed in such imminent peril? Report says, many of these banks, with a view to make great profits out of their deposites, not only discount on them, but send large sums to these cities, with a view to "other investments." This must be attended with great hazard; not only the usual risk of transmission, but the uncertain result of a stock, if not of a gambling operation. It is said, indeed, that these risks are incurred by the banks, and not by the public. But the danger of the insolvency of these banks is the risk which the Government incurs. It will be but poor consolation for us to know that the banks are legally responsible, if they have not the means and the ability to pay. If these banks are allowed to discount on and use this money for their own profit, we ought to be fully satisfied that their business is prudently conducted, and their pay-lists sound. I invoke this House to deliberate well before they refuse to appoint a committee of inquiry.

The hope of gain prompts to rash and extravagant speculations and risks. A prudent man would withdraw his money from an agent whom he found putting it at hazard. Ought we to do less, as the representatives of the people? Already, and during our present session, one of these institutions* has lost $100,000, and some say more, in sending it to one of the larger cities. That same bank has the custody of upwards of $2,000,000 of the public moneys, much the greater part of which is held by it at an agency established at St. Louis, Missouri; but under what law or authority, I know not. I do not wish nor intend to disparage this bank. I am acquainted with its principal officers, and have pleasure in saying that, in my intercourse with them, they have manifested a great spirit of accommodation. But in the discharge of a high public duty, I was compelled to refer to the facts just mentioned.

This item of "other investments," it is said, also covers portions of the public money which is placed in the hands of brokers and agents, to obtain extravagant and oppressive rates of interest; and to purchase stocks, notes, and bonds, at large discounts, during an occasional pressure in the money market!—an employment of the public money which, to say nothing of its risks, is a disparagement to the nation. In every possible aspect in which this matter can be considered, this investigation is called for.

*The Commercial Bank of Cincinnati.

The statements of these banks are full of suspicion; the sufficiency and solvency of the means relied on for payment are questionable. All these, as well as the general verity of the returns, ought to be tested; the system is new, and but "an experiment." It has been in operation near three years without investigation, and it is time it was scrutinized; this is always found a salutary process in pecuniary concerns. If the principal is vigilant, the agent will be prudent; but if the one is negligent, the other becomes so; and the consequence is often the loss of the one and the ruin of the other.

A similar investigation took place before the late Bank of the United States had been in operation two years; and it is generally admitted that it was attended with beneficial influences on the bank, and happy results to the country. Since that time, and particularly within the last four years, these inquiries have been pressed, and made by committees under the order of this House. And, on one occasion, the President of the United States, upon a mere suggestion that the public money was not safe in the Bank of the United States, appointed Henry Toland, Esq., of Philadelphia, as a special agent, with full powers to institute the most ample inquiry connected with the solvency of the debtors of the bank, and its general ability to refund. Any apparent hesitancy on the part of the bank to submit to such inquiry was uniformly interpreted as indicative of a disposition to shrink from this "searching operation."

On the score of usage, this investigation is called for; and the necessity for it is such that, in my judgment, if it is not now made, we shall, in many cases, have "a beggarly account of empty boxes."

These investigations were often made, although the Government never had, at any time, half as much at stake as it now has; often, indeed, but little interest, except as a stockholder. If we refer to the state of the Bank of the United States at the period of the greatest amount of public deposites held by it, and make a similar reference to the returns from the deposite banks, with a view to the comparative safety of the money under the two systems, it will be seen that the risk is decidedly the greatest now. This is emphatically the case, whether you consider the united capital of the deposite banks a common fund to pay the debts of each, as partners, or take them separately, and hold each liable only for its own debts. And yet Mr. Woodbury, in contrasting the two systems, and speaking of the safety of the public money, says: "The chief change in this respect, under the present system, has been in procuring the responsibility of several institutions for separate and smaller sums of money, instead of the single responsibility of one institution for a very large sum of money." Again: "The selected banks, without disparagement of others, are, or ought to be, chosen from the most flourishing and secure."

I again call the attention of the House to the cases of the deposite banks before particularly named, and, indeed, to every one of them now holding public money. A reference to the statements furnished by the Secretary himself will prove him in error as to this supposed advantage. Next, let us compare and consider the two systems in the aggregate. In doing so, I will assume $10,000,000 as the maximum of public deposites in the Bank of the United States, (and they rarely amounted to half that sum;) add this to the amount of stock owned by the Government, and we have $17,000,000 as the greatest amount at hazard in that bank. The capital of that bank, we know, was $35,000,000; and, at the period alluded to, it held near $11,000,000 in specie. I will now mention similar items taken from the returns of the deposite banks to the 1st of April, 1836. The public deposites in these banks, as before stated, are nearly $37,000,000; their united capital (if it even be all paid

in) is $43,690,980 28; and their total amount of specie is between $10,000,000 and $11,000,000. It is thus apparent that there was less danger of loss under the old than the present system. I have omitted the other items of loans, discounts, circulation, &c., in which the comparison might be extended; but if any person will take the trouble to refer to these, the result will be the same. This risk is daily increasing, by the further accumulation of the revenue, and the large sums, before mentioned, to be derived from France and Naples, and the proceeds of the bank stock. This comparison has been made as if the whole means of all these banks were liable for the debts of each; but this is not the case; we have only the "single responsibility" of these institutions, not for "the smaller sums," as the Secretary stated, but for very large amounts of money!

This committee should be appointed, and the inquiry made touching the connexion which exists between those banks and their mysterious agent, Mr. Whitney, who now occupies a room in the Treasury Department. It is said, indeed, that he pays the rent of the room held by him. It may be so; but it is not very probable that the Secretary, in renting a tenement for the Department, suffered the proprietor to retain a room "to let" for individual purposes. If such be the fact, it was at least more economical than prudent; as such an occupancy enlarges the danger from incendiaries, by which the country, in that very Department, has so recently suffered as not to be unmindful of it. Without intending to insinuate that the individual in question would lend himself to such a purpose, I insist that the public buildings should not be occupied by any other than those who are immediately under the control of the Department. This relation Mr. Whitney professes not to maintain.

But leaving that digression: the power and influence which this agent wields over the deposite banks is such, that, like some of the patent medicines of the day, "none are genuine unless endorsed R. M. W." In order to secure this panacea, a tribute of one per cent. per annum, on the amount of the deposite received by each, is paid. This per cent. on thirty-seven millions, the present amount of the deposites, is three hundred and seventy thousand dollars! Independent, then, of the great influences thus indirectly arising from the entire control of this money, here is a large sum, which may pay the agent handsomely, and, by suitable appropriations, accomplish much in the great political contest now about to ensue, on the result of which depends the right of the agent to continue "at the receipt of custom!" It is but a few moments since I heard that one of the deposite banks in Cincinnati incurred the displeasure of the agent, by refusing to pay the "tribute money;" and that there has been a correspondent reduction in the favors since conferred on the rebel institution!

But, above all, is it right that we should look on, and, without a strict inquiry, see the people's money openly committed to the agency and superintendence of one laboring under the grossest impeachment of character; and who, though a native American, resided during our late war with England in Canada, where, if he did not swear allegiance to the British King, he took an oath not to assist the country of his birth!

But, Mr. Speaker, another, and, as I think, powerful reason for urging this investigation without delay is, that the money may be placed beyond the power of the banks to waste or lose. If we adjourn without doing so, we may dread the consequences, and be justly chargeable with a neglect of the public interests. Sir, I am no panic-maker, nor do I believe it will be very long before many who now call the first session of the last Congress the "panic session," will be obliged to admit that the alarm of that day was not affected, but real, and for just cause. I will remind gentlemen of some of the evils which were then foretold as being likely to follow the abrupt change in our system of finance. Among these it was said great individual loss and distress would follow. The measure complained of was violent and sudden, accompanied with an open and avowed hostility to the Bank of the United States, which obliged it to make ready for the assault. This extraordinary interruption of all the usual channels of trade carried consternation with it, and at such a time the banks throughout the country were compelled to act on the defensive, and prepare for the worst. This unlooked-for shock to the commerce and currency of the country found the people unprepared for it, and many, very many, were reduced from independence to poverty; whilst others, who had the bright prospects of ample fortune before them, had all their hopes blighted. But these disasters, great as they were, had a limit given to them by the fortunate rise in the price of the Southern staple, cotton, which always has an important influence on the monetary concerns of this country. This brought a great accession to our capital, and ameliorated and checked the pressure. The storm subsided; business resumed its wonted channels; and we look around, and, behold, the sea is again calm! But can we forget the wreck and the struggles of the innocent sufferers, who, after being tossed by the angry tempest, were ingulfed, and went down in the mighty ocean before the storm abated! Another of the prophecies of that day was, that the change of system would, as on a former occasion, be followed by an inordinate increase of State banks, and a danger-our expansion of bank note issues.

It was also said that this last state of things would be attended by a deranged exchange and disordered currency, and ultimately terminate in a general explosion. And now let me appeal to gentlemen, and ask if all these predictions have not already been fully realized, except the last—the explosion? That drama yet remains to be enacted; but I fear it is not far removed from us. It was not said that all these things would follow in a day, nor in a year, but that they were consequences which it was feared would ensue.

Having once witnessed the pouring out of these sorrows on our country, I dread their repetition so much that I should decidedly prefer being found in error to seeing them renewed; but I fear this explosion must follow, and cannot now be averted. We have seen the State banks increase in number, from a little upwards of three hundred to near six hundred in five years, with correspondent capital and issues. Added to these, we have seen Ohio, Kentucky, Indiana, Illinois, Tennessee, Mississippi, and Louisiana, creating charter after charter; and the news of the morning is, that Maine has just given life to twenty-six new banks, and that New York, not content with her present multitude, is about incorporating others, so as to give her the round number of one hundred banks! All this is principally done, too, by "the party" who told the people that banks should be put down, and a gold currency furnished! The currency is disordered; the exchange is deranged; the expansion is increasing with a mighty power; and next comes the explosion!

Before this happens I wish the public treasure, the people's money, to be rescued from its present peril. If gentlemen will not divide it among the States, as I think it ought to be, whereby it might relieve our people from taxes, educate their children, or construct roads and canals for us, at least let it be preserved from abuses and prostitutions in elections, and final loss.

The money is not safe where it now is. If gold and silver be the test, the banks are unable to pay; and we know nothing of the security or solvency of their other means. The examination, if not demand of payment, should be promptly made. These banks are scattered

over the whole country, and, in case of failure, the Government will not only be the greatest sufferer, but the last to be paid. Individual creditors are on the spot, and vigilant over their interests. On the first alarm, and before even the breath of suspicion or news of disaster has reached Washington, those creditors withdraw their deposites, or obtain possession of all the means of the insolvent bank. The public cannot compete with individual creditors, and we ought, therefore, to be cautious and circumspect in advance, "before the evil day come." We ought to remember that more than one million of dollars has been already lost to the nation by a similar neglect. It is vain and idle for Mr. Woodbury to attempt to impress on us the absurd and unmeaning supposition contained in his report of the 23d instant, that, considering the Government as the sole creditor of those banks, the means of payment are in the proportion of four dollars for one! The Government is not the sole creditor; we have thrown our money into common stock with others; and the rights of all are equal, but the chances of protection and safety are greatly in favor of individuals. We can avoid the necessity of contending for a "plank in a shipwreck," if this investigation be now made. A just regard for the public interest demands it, and we ought not to shrink from it.

Mr. PIERCE, of New Hampshire, then spoke as follows:

Mr. Speaker: I do not propose to discuss the deposite question, though there are few more fruitful subjects, as experience has taught us, and none presenting more ample materials with less of laborious research. What power Congress possesses over the deposite banks; whether they are safe or unsafe; whether they constitute a United States Bank to all intents and purposes, as the gentleman from Massachusetts [Mr. Calhoun] alleges; and whether that is to be made an objection to them, in a certain quarter, as depositories of the public moneys, are questions which will very properly come under our consideration when the bill upon your table, for which a special day has been assigned, shall be taken up. At present, the question legitimately before the House appears to me to be, what is the appropriate and judicious mode of seeking the information contemplated alike by the original resolution presented by the gentleman from Virginia, [Mr. Dromgoole,] and the amendment proposed by his honorable colleague, [Mr. Wise.] To this question, sir, I should have confined myself exclusively, but for certain extraordinary assertions and grave charges which have been preferred against the Secretary of the Treasury; and to repel even these may be regarded as the work of supererogation; for, in this country, there is, fortunately, so much intelligence—the avenues to correct information, open to all, are so multiplied and various, that no administration, and no public officer, can suffer long or seriously, in consequence of mere bold sweeping denunciation. And he who expects to make a successful attack, with such weapons alone, does great injustice to the character of the yeomanry of this country, in whose hands are its destinies. They are watchful of their public servants; jealous, if you please; but they are at the same time just. They are not convinced, and they cannot be alarmed by mere naked charges. They look beyond the charges, to the evidence upon which they are predicated; and so I trust will this House do, before they adopt any new and extraordinary course of proceeding. Whether Mr. Whitney, whose name has so often been introduced in the course of this debate, is the agent of a corporation, or any number of corporations, the agent of individuals, or no agent at all, is to me an affair of perfect indifference. If he be not a public officer, or in the pay of the Government, (and I understand that neither is the fact,) the nature of his agencies, if such he have, and the compensation he may receive for his services, are matters into which I have as little curiosity as right to inquire. Whether he occupies a room in the block of buildings a portion of which is rented for the accommodation of the Treasury Department, or a room on the opposite side of the avenue, are questions in which the House can feel no possible interest, however much gentlemen may attempt to make of it in debate.

But there are other subjects, as the gentleman from Ohio has justly observed, of the highest importance. For instance, if the Secretary of the Treasury, or any agent of the Department, by his order or with his approbation, has adopted a new rule with regard to what money shall be received for public dues, operating injuriously upon any portion of the country, it deserves prompt consideration: the cause of the change should be inquired into without delay. This charge the gentleman from Ohio [Mr. Bond] has distinctly made. I shall not, in replying, retort the harsh terms the gentleman has thought proper to apply to the Secretary, but I will pronounce his position erroneous, and assert that the terms, in this respect, have never been more liberal, except during the suspension of specie payments, than since the removal of the deposites from the United States Bank. The same construction has been given to the laws relating to this subject, from the days of Mr. Hamilton's administration to the present time. That the gentleman's complaint, in this particular, is unreasonable and without any foundation, is shown conclusively by a report of the Secretary of the Treasury, read in the Senate on Tuesday last; and I will not take up the time of the House by pursuing a proposition which, in that report, is clearly demonstrated. I thank the gentleman, Mr. Speaker, for having called the attention of the House particularly to the deposite bank of the State which I have the honor, in part, to represent—the Commercial Bank at Portsmouth, which the gentleman denominates, I suppose, by the way of eminence, "the special pet in particular of the Secretary of the Treasury." Now, a moment's examination will show what constitutes, in the gentleman's estimation, "a special pet in particular." On the 18th of the present month, there was on deposite in the Commercial Bank at Portsmouth $119,713; out of which the pensions of the State, your appropriations for the navy yard at that place, and all other expenditures accruing there, are to be paid. At the same date there was on deposite in the city of Cincinnati alone more than two millions of dollars.

[Mr. Bond. The Commercial Bank at Cincinnati, by what authority I know not, has established an agency at St. Louis, Missouri, and much the greater part of the public deposite held by that bank is at this agency, and not in the State of Ohio.]

[Mr. Pierce resumed. It is quite immaterial; the bank at Cincinnati is responsible for it. There was on deposite in the State of Ohio, at the date before given, $2,455,136, which is more than quadruple the amount on deposite in New Jersey and Delaware, and all the New England States together, with the exception of Massachusetts. Such, sir, is the evidence of favoritism on the part of the Secretary, of which the gentleman from Ohio complains; and he is at liberty to make the most of it.

The Secretary, in his annual report, under the head "deposite banks and the currency," says:

"The payments to creditors, officers, and pensioners, have been punctual and convenient; and the whole fiscal operations through the State banks have, as yet, proved highly satisfactory. Incidental to this, the facilities that have been furnished to the commercial community in domestic exchanges, were probably never greater, or at so moderate rates."

This the gentleman does not hesitate to pronounce false. I do not say this of his assertion, but will content

myself with opposing to that assertion facts, of which he may dispose at his leisure. The deposite banks are required to state, on the back of their semi-monthly returns, the rates of exchange at the places where they are located; and, on the 18th of the present month, those returns show that at the various points where complaints have been made, at New Orleans, Mobile, Cincinnati, Baltimore, Philadelphia, and the Atlantic cities, in no instance has exchange been higher than one per cent., in many a half and a quarter, and others at par.

[Mr. BOND. I said that it was stated in a newspaper, received yesterday from Cincinnati, that the notes of all the Ohio banks out of the city were at a discount of four to five per cent.; and that a friend of mine, now here, (but who resides in Cincinnati,) had just informed me that exchange could not be had there, on Philadelphia or New York, for less than one to one and a half per cent., and that no considerable amount can be had at either of these rates.]

Mr. PIERCE resumed. Undoubtedly; and the gentleman's friend has been no more unfortunate in finding high rates of exchange than individuals and the teeming press in other places. I do not say that there is a panic-manufacturing spirit abroad, but I feel bound to rely upon official statements from the different points, in preference to the declaration of any individual or any newspaper paragraph. Decided exception has been taken to one of the articles of agreement entered into between the Government and the deposite banks. It is in the following words:

"If the Secretary of the Treasury shall think proper to employ an agent or agents to examine and report upon the accounts and condition of the banks in the service of the Government, or any of them, the said bank agrees to pay an equitable proportion of his or their expenses and compensation, according to such apportionment as may be made by the said Secretary."

Is it not the duty of the Secretary, as a faithful public officer, to make every provision which prudence can suggest for the safe keeping of the public moneys? Should he hold no control over the agents of his own appointment? While the banks consent to a stipulation of this kind, it is difficult to conceive why the representatives of the people should object. But my object in referring to this article, which is regarded with so much alarm, is chiefly to state that no agent has ever been appointed by the present Secretary, and that the power has been exercised only on two occasions since the withdrawal of the deposites from the United States Bank, with neither of which the mysterious Mr. Whitney had any connexion; one of those agencies, which was to examine into the condition of the Union Bank at Baltimore, suggestions against its solvency having been made during the panic era, consisted of Mr. Reverdy Johnson, then, and I believe now, a decided opponent of the present administration, and Mr. Howard, of Baltimore. About the same period, upon similar suggestions, Judge Ellis, of Mississippi, was appointed to inquire into the state of the Planters' Bank; these are the only occasions on which the power has been exercised.

Where, Mr. Speaker, is the evidence of inducement on the part of the present Secretary to conceal aught from the public eye, as charged by the gentleman from Virginia, [Mr. WISE;] or where is the evidence of the more extraordinary charge of the same gentleman, that the Secretary has done it? Is it to be found in the document which I hold in my hand, going fully and minutely into this subject, and showing where, and how, every dollar of your public money was deposited at the time of its date? No, sir; no, sir. The Secretary has not only given a specific and detailed statement upon the subject, but he has more than once appealed to you to take away his present broad latitude of discretion, under which, without your legislation, he is compelled to act; and that request is repeated in this very report. The Secretary says:

"The Department is aware that, in the present overflowing condition of the Treasury, the regulation of these operations, with the selection and superintendence of the deposite banks, is a task of no small difficulty and delicacy; and, when governed by a strict and uniform adherence to sound principles, as has been attempted, must necessarily lead to many disappointed applications. But in the absence of that specific legislation on the subject, which has been, and still is, earnestly requested, the Department has not hesitated (it is hoped faithfully) to discharge, and frankly to explain, the duties and the high and painful responsibility which so much discretionary power has imposed."

I believe this high responsibility could hardly be intrusted to abler or more faithful hands; but I would not have it rest even there. All I say is, let us attend to our own appropriate duties, before we heap grave charges upon co-ordinate departments of the Government. If the gentleman from Virginia [Mr. WISE] was not misled himself, his remarks in relation to the report, of which he complains as not containing the whole truth, were manifestly calculated to mislead the public. That report was not made by the present Secretary, but by another distinguished individual, who has recently been appointed by the President and his constitutional advisers, to which body of constitutional advisers that report was made, to a situation which, in point of dignity and high responsibility, is hardly inferior to that of the chief magistracy itself. I could add nothing, if I were disposed, to such a commentary upon the report, and the gentleman making it.

[Mr. WISE explained. I was perfectly aware that the report of 1833–'34 was made by Mr. Taney, and not by the present Secretary; and what I said on the floor was, that Mr. Secretary Woodbury had, "by authority," in the Globe, adopted that answer or report as his own at this time, and that answer is false: and Mr. Secretary knew it to be false.]

Mr. PIERCE resumed. I am not here to discuss articles that may appear in the Globe, editorial or otherwise. If the gentleman from Virginia chooses to put the Globe upon the stand as a witness, and take all that witness shall say, I certainly cannot object.

[Mr. WISE. Will the gentleman from New Hampshire deny that the Secretary did authorize the publication of the article alluded to?]

Mr. PIERCE. No, sir. I will neither deny nor admit that he gave such authority. I make no inquiries into the authority upon which the editor of the Globe makes publications. He acts, I presume, upon his own responsibility, as I do upon mine.

Sir, the change in form which the gentleman from Virginia proposes, in introducing his amendment, is a mere mockery; if adopted, you send to the Secretary for certain information, and you say to him, at the same time, "Sir, doubting your integrity, we send a committee to oversee you, and see that you keep nothing back!" Mr. Speaker, if the House really believe that such a supervision is necessary, the manly way would be to meet it at once, not attempt to conceal their doubts under so slight a veil of affected courtesy. The gentleman from Virginia admitted, on a former occasion, and again, in his modification, that the mode proposed by his honorable colleague [Mr. DROMGOOLE] is the ordinary course, and the one sanctioned by the usages of this House.

[Mr. WISE. I did not admit that the course proposed by my amendment would violate the usage of this House; but I contended that usage had been complied with, and, if not complied with, our experience of the Post

Office derangement should teach us to abolish it; and I changed the form of my amendment to make it less obnoxious to the previous question.]

Mr. Pierce resumed. Well, sir, it seems I misunderstood the gentleman; but whether he admitted it or not, it is of no consequence for the purposes of my argument. I can appeal, with confidence, to the experience of all gentlemen upon this floor, for confirmation of what I did understand to be the gentleman's admission. What, then, would the gentleman propose? Does he propose to change the usage, generally, and instead of calling upon the heads of Departments, when information of public interest is desired, to institute a committee at once, with power to send for persons and papers? No, sir; this would be preposterous. I ask gentlemen, then, upon what grouud they propose to depart from the common usage, in this particular instance? Has the Secretary declined furnishing information called for, either by the House or any individual member of it? Will any gentleman on the floor declare that, within his knowledge, inquiries at the Department have been evaded, or desired information withheld? Sir, I fearlessly assert that nothing of the kind has ever occurred, and cannot but regard the attacks which have been made upon the Department as most extraordinary and unjustifiable. Who has ever before heard, upon this floor, the head of any one of the Departments, without any examination, and without any evidence spread before the House, charged with a foul connexion with an individual to defraud the revenue of the Government? I believe it is without a parallel.

Mr. Speaker, I do not stand here as the apologist of the Secretary of the Treasury—in his life, he never needed any man to appear for him in that character. The ability, the untiring industry, and the fidelity with which he has discharged the duties of various high and responsible trusts, are known to all men of all parties in this House, and to the country; his character is elevated above individual assault, and needs not individual elogium. His whole career, as a public officer, challenges the most scrutinizing inquiry, and stands forth its own sure and triumphant vindication.

If abuses exist in any department of this Government, I am as anxious that they should be exposed and punished as the gentleman from Virginia can be. But the summary course proposed by his amendment, the departure from the common courtesy and established usages of this House, would be a reflection upon the Secretary, under which he ought not in justice to rest, while the examination shall be in progress, without some specific and substantial reason. If the ordinary course shall not prove successful, if the original resolution shall not elicit the information, and all the information needed, I, for one, will cheerfully unite in raising a committee, with plenary powers, for the most free and ample investigation.

Laying aside all considerations of what is due to the Department, will not this prove the course most satisfactory to ourselves? Little time will be lost; the call embraces few and simple inquiries, which may be, and I venture to say will be, promptly answered.

The gentleman from Virginia [Mr. Wise] has charged upon the Secretary a reluctance to submit to an investigation, and contrasted his course with that of Mr. Crawford and Mr. Hamilton on former occasions. Where is the evidence of such reluctance? I fearlessly assert that there is no repugnance, on the part of the head of the Treasury Department, to any investigation the House may choose to institute, by committee or otherwise, into his conduct as a public officer, official or unofficial; and the remarks I have submitted have been prompted by no consideration of what he would desire, but by a conviction of what is due to justice and to ourselves.

Mr. GILLET then took the floor; but, the hour of one o'clock having arrived, the special order of the day was announced.

Mr. DROMGOOLE moved that the rules be suspended, for the purpose of proceeding in the consideration of the resolution, remarking that he presumed the House wished to dispose of it.

The motion was lost, the vote being 90 to 55; not two thirds.

ARMY APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole on the state of the Union, (Mr. J. Y. Mason in the chair,) in pursuance of the special order of the 26th January.

The bill making appropriations for the support of the army for the year 1836 was taken up,

The question being on the motion of Mr. Cambreleng to amend the bill in the following clause: "For the armament of fortifications, two hundred thousand dollars," by striking out $200,000, and inserting $1,224,000.

Mr. MERCER moved to strike out the entire clause, and insert, in lieu thereof, the following:

For the purchase or construction of a foundry for ordnance, at such place as the Secretary of War, with the approbation of the President of the United States, may select, and for defraying the expense of conducting the operations of such foundry for one year, including the purchase of necessary tools and materials, the sum of —— hundred thousand dollars; and that the further sum of —— hundred thousand dollars be appropriated to the purchase of ordnance for immediate use.

Mr. MOORE, of New York, who was entitled to the floor, addressed the committee as follows:

Mr. Chairman: Previous to entering upon the subject properly before the committee, I shall avail myself of this opportunity, the first that has been afforded me, of replying to certain misrepresentations that have been made, both here and elsewhere, concerning the laboring classes. The committee, I trust, will the more readily excuse this digression, when the relation in which I stand to the working men is considered. Having been long and intimately connected with their cause, and approving, as I do, of their principles and measures, I cannot consent to hear them assailed, without making an effort to vindicate them. They have been denounced as agrarians,' levellers, and anarchists, and their unions as unlawful and mischievous. I shall endeavor to show, sir, that in all this, great injustice has been done them. It is not my intention at this time to notice all the slanders that have been cast upon them, whether in or out of the halls of Congress; my more immediate object is to reply to the honorable gentleman from South Carolina, whom I see before me, [Mr. Thompson,] or at least to so much of his speech on the navy appropriation bill as relates to the laboring classes. The honorable gentleman, in the course of his remarks, holds the following language: "I entreat gentlemen to look well to the consequences of the experiment of sending the Government there (to the North) as a competitor in the labor market, and under the constraint of positive orders to expend this vast sum, let labor rise ever so high. It is already one dollar a day, when in the South and West it is less than fifty cents. These appropriations are not for this year alone. They are the beginning of a system of lavish expenditure, which will last until 1842; no longer—no, sir, no longer, my word for it. Are the judicious men of the North, the property-holders of the North, disposed to organize in their bosom this army of day-laborers—men who, all over the world, spend between Saturday and Monday the wages of the week; and who, at the period of their disbandment in 1842, will be penniless, and who must go supperless to bed, unless

they rob by lawless insurrection, or by the equally terrible process of the ballot-box. Let gentlemen look to it: they are in quite as much danger of insurrection as we are.

The laboring classes, the back-bone of the democracy of the country, rob through the ballot-boxes! What are we to understand by this? Sir, it admits but of this construction: that Government ought to be founded on property; that none but the wealthy ought to be allowed to vote; and that the minority should govern. It recognises a doctrine which strikes at the very root of free government. It is, in fact, the doctrine of despotism itself. No measure, sir, can be carried through the medium of the ballot-box but by the majority. It is the political rights of the majority, therefore, which the doctrine of the honorable gentleman would circumscribe and destroy. Let this doctrine be carried out, and the principles upon which the Government is founded are utterly subverted.

Mr. Chairman, I regret the attack has been made. It may lead to a controversy from which it will be most difficult to exclude jealousies, heartburnings, and recriminations. I am not quite certain, however, that it will not, in the main, be productive of good. It may serve to establish more distinctly, and more permanently, the landmarks which distinguish the two great political parties of this country—the democracy and the aristocracy. And, sir, it is idle to attempt to disguise the fact, that "the time is coming, and now is," when the political gulf between these two parties must be widened and deepened. The people begin to distinguish between mere theoretical and practical democrats—between those who but have the doctrine of equal rights on their lips, and those who wear it in their hearts; and hence the days of political amalgamations and of political jugglery are numbered. Henceforth, I trust, the battle will be fought on the ground of principle alone.

Mr. Chairman, it has been more than insinuated that danger is to be apprehended from the turbulent spirit of democracy; that the signs of the times are portentous of evil; that the fountains of the moral and political deep are in danger of being broken up, and that the waves of anarchy, rapacity, and misrule, threaten to burst their barriers and deluge the land.

Sir, it is with regret that I heard such sentiments uttered. It is with regret that I heard the integrity of the laboring classes, and the principles of democracy, so unjustly impugned, and if it shall be the last act of my life, I will attempt to hurl back the imputations. Sir, I fear that those attacks upon the people—the democracy—which have become so common of late, are a prelude to a premeditated assault upon popular freedom. Consult the annals of the past, and you will find that whenever despotism resolved to strengthen itself, or the aristocracy of a country had determined to trench upon the rights and liberties of the people, that the people were first charged with rapacious and seditious designs. The cry of agrarianism, of sedition and revolution, was raised, in order that their calumniators might have an excuse for plundering and oppressing them. Can it be that the new-fledged aristocracy of this country have similar designs upon the people at the present time? I confess there are strong indications of it, not only in that spirit of monopoly and of mercenary ambition which is spreading with such fearful and reckless rapidity, but especially in the calumnies which are constantly propagated against the working men, against democratic principles, and against the advocates of liberal sentiments generally. Nay, to those who have paid any attention for the last few years to the movements of the aristocratic or anti-democratic party of this country, it must be evident that a clandestine but vigorous war is waging against popular freedom. Let the people look to it while yet they may. Let them not be deceived, neither by names nor by professions. Let them not suppose that all who pretend to be their friends, politically, are so in reality. It is not all who cry "Lord, Lord, that are worthy of the kingdom."

The line which separates the friends and enemies of equal rights is broad and distinct, and need not, must not, be mistaken. The political principles by which these two parties are governed, are utterly and eternally incompatible and antagonistical. It behooves the people, therefore, to discriminate, and to bear constantly in mind, that the friends of pure and unadulterated democracy (as contradistinguished from the friends of aristocracy) are in favor of a Government founded on persons, and not on property; on equal rights, and not on exclusive privileges. The friends of freedom hold that legislation to be just must be equal; that all chartered monopolies are incompatible with the spirit of free Governments, and prejudicial to the interests and liberties of the people. They contend for equality of political franchise. They maintain that the only righteous system of Government is that which is based on the will of the majority, and administered by persons freely chosen by the people; and that the people are the only rightful sovereigns. Such, then, are the leading principles of the working men; such the principles of democracy; and if these principles are dangerous and mischievous in their nature, and calculated to produce anarchy and sedition, as has been alleged, then is liberty a bitter curse instead of a blessing, and the founders of our free institutions were the authors of a most pernicious political heresy! But who will assert such to be the fact? Who will affirm openly and unqualifiedly that the doctrine of political equality is the doctrine of anarchy and outrage, or that the domocracy is the party of sedition, of pillage, and of violence? But few can be found bold enough to make the charge openly and distinctly. No; the sign is not quite right yet. The calumny must be insinuated for the present; the charge must be indirect; the war must be conducted with great caution and circumlocution. The assailants must assume as many shapes as fabled Proteus, and wear as many disguises as Harlequin; they must use secret weapons, deal foul blows, and deal them in the dark. Nothing like daylight and fair play must be tolerated; no outward and evident demonstration must yet be made; the people, the laboring classes, the domocracy, are first to be slandered and traduced vaguely. Something must be hinted about agrarianism, and about the insecurity of the rights of property. But ask these calumniators what they mean by agrarianism, and they are puzzled to explain. Some think that it is a species of political monster which was created by two celebrated brothers of the olden time; but whether it was by Moses and Aaron, or by Tiberius and Cornelius, they are not quite certain. Others suppose that agrarianism means an equal distribution of property, but are not quite confident of that even. Well, ask them if they ever saw or conversed with an individual holding such sentiments, and they will tell you no, if they tell you the truth. Ask them if they believe that there is any such party in this country, and they will tell you no, if they tell you what they think and believe. Sir, those who circulate such slanders, do so either ignorantly or maliciously; and the greater part because they are slanders. The people, the laboring classes, are neither so unwise nor so unreasonable as to either expect or desire a perfect equality of wealth. They know and feel that it would not only be unjust, but that it is impracticable. So long as some are more industrious, more provident, and more frugal than others, an inequality of wealth must and ought to exist. The people, the democracy, contend for no measure that does not hold out to individual en-

terprise proper motives for exertion. All they ask is, that the great principle upon which the Government is founded, the principle of equal rights, should be faithfully observed and carried out, to the exclusion of all exclusive privileges. This they do ask, and no more; they will be satisfied with no less.

Sir, can it be seriously and honestly believed by any man in the possession of his wits, that the principles of democracy or of equal rights endanger the rights of property, or that the interest and safety of the State will be plotted against by three fourths of the people composing the State? The notion is too absurd and ridiculous to be entertained for a moment. There is no danger, sir, that three fourths of the people will turn political suicides at this time of day. No one believes that the rights of property and the institutions of the country are in danger from the influence of democratic principles, or from the political ascendency of the people. No, sir; these insinuations against the virtue and intelligence of the people are made for sinister purposes, and are the offspring of political depravity; and, as I have before intimated, are the sure and unerring indications of a vigorous attack upon popular liberty. Again, I repeat, let the people look to it.

Public violence and disorders generally, if not universally, have their origin in a violation of the principles of equality and justice; and when these principles are outraged, it is generally by the few, and not by the many, it being the manifest interest of the majority to preserve them pure and unimpaired. All the horrors, enormities, and abominations, consequent upon the French revolution, be it remembered, had their origin in the oppressions practised by the aristocratical few.

In Europe the aristocracy are the conservative party. The English House of Lords was originally composed of men who had associated for the purpose of protecting the property which they had plundered from the people. The property thus unjustly obtained, and the onerous laws designed for its protection, have been the means by which the people of that country have been so long and so sorely oppressed. It is the consciousness of the injustice which has been done the people that causes the aristocracy of Europe so much dread of sedition and revolution, and so much apprehension about the security of property. In a Government where the people are well informed, property can never be respected where it has been obtained in violation of just and equitable rights, and used as an instrument of oppression. But, on the other hand, no danger need to be aprehended for the security of property where the people are enlightened, and where it has been obtained by fair and honest means. The right of property, in free and intelligent communities, is safe in proportion to the number it has to protect it. Hence in this country, where the people are the conservative party, there can be no danger of a violation of this right. It has a protector in every friend of equality and justice. The people, the true source of all political power, are its defenders; it is their interest to be so. If, then, there be a set of men among us who would violate the rights of property, they cannot belong to the real democracy of the country; they can form no portion of, can have no alliance with, the friends of equal rights. No, they must be sought elsewhere. They must be sought among the friends of exclusive privileges, of monopolies, and of aristocracy; but not in the ranks of the democracy. Again, our system of Government, being based on the principle of equal rights, claims the friends of equal rights as its supporters. They are, in fact, the party whose interest and welfare are identified with the preservation of the Union, and with the stability and integrity of the Government. They are the conservative party. Who, then, are the malecontents, if any there be? Which is the party of sedition, if such there be? Not the people, not the democracy. No, but the opponents of democracy, the enemies of equal rights; the champions of exclusive privileges and of monopolies; they are the aristocracy.

What can be more unjust and preposterous, then, than the insinuation of the aristocracy, that there is danger of their being despoiled of their property by the people, the democracy? But what say facts? Why, sir, they tell us, what every body knows to be true, that where there is one instance where the rights of property have been violated by the people, or popular institutions, there are five thousand instances where the people have been plundered and beggared by the heartless cupidity of the privileged few. Sir, there is much greater danger that capital will unjustly appropriate to itself the avails of labor, than that labor will unlawfully seize on capital. I defy gentlemen to point to a solitary instance where the people, possessing legislative powers, have prostituted those powers to the purpose of plunder. But, on the other hand, where political power has been concentrated in the hands of the few, you will find that the rights of the multitude, whether pecuniary, natural, or political, have been violated, disregarded, and trampled in the dust. And for the proof, I appeal to the page of history. History, sir, will bear me out in the declaration that the aristocracy, of whatever age or country, have, at all times, and under all circumstances, invariably and eternally robbed the people, sacrificed their rights, and warred against liberty, virtue, and humanity. I am aware that it is quite fashionable to impute the domestic feuds and civil dissensions which have convulsed nations to the inconstancy and profligacy of the people. The imputation is both false and insolent. In despotic and arbitrary Governments, the agitation of the people is but the restiveness of a sick man, who incessantly changes his position, because none of them which he assumes will afford him relief. The people generally complain, but at the last extremity; for their regard and reverence for the law acts ever as a restraint upon their just complaints, while they have a hope of redress. They more readily forgive than avenge their wrongs; and are never fickle nor seditious when in the enjoyment of their equal and natural sum of happiness. The true causes of sedition and tumult are too well known to be mistaken. The oppressions of the aristocracy; the insolence of caste; the power of concentrated wealth; the blight of avarice; such are the causes which ever tend to destroy the equipoise of a State, and sow dissensions amongst its members. Run over the history of nations, and point out a single one which, becoming rich, as Carthage, for instance, maintained, like Sparta and Rome in their days of glory, the talents and virtues which are the groundwork of republican security. Name a single State, a single kingdom, where the concentration of power and wealth did not generate a spirit of tyranny. Where has concentrated wealth failed to breathe division, injustice, and the consequent contempt of laws, natural and political? In what country has it invited the march of the invader and the yoke of the tyrant? Why did Sparta, enriched by the advice and policy of Lysander, lose the virtue and the power which she had retained during six hundred years of frugal independence? Why did the Roman republic fall to decay as soon as her nobility were cumbered with the accumulated wealth and fatal spoils of conquered nations?

Many of the republics of the middle ages, in the south of Europe, withstood the shock of foreign invasion, and fought with success against the stranger, but to see their liberties cloven down by the blows of domestic tyranny. Why instance the example of Florence, until the thirteenth century the freest republic of the modern era? Why show the people, wronged in their most sacred rights, tortured in their dearest feelings, trodden under

foot by the contending aristocratic parties of the day, pouring out their life-blood for Guelf and for Gibeline, till, exhausted by the fruitless contest, they sat down in quiet submission, no longer able to resist the yoke of titled despotism?

Genoa, too, once free, happy, and powerful, paid the forfeit of inequality. The curse of all republics lighted upon her head; and tossed by passions, begotten of clashing privileges and contending interests, which seemed to grow out of the lust of ambition rather than out of the love of freedom, settled down, after various vicissitudes, into a rigid oligarchy.

The once free and happy Venitians trusted to the hollow promises of the aristocracy, and mark the consequences of their credulity. They continued to sleep over the imminence of danger until awakened from their lethargy by the shriek of expiring freedom and the clank of patrician chains. An unsparing and iron-handed aristocracy gave the charter of their liberties to the winds of the Adriatic; and beneath the ruins of their free institutions sat the dark conclave of a gloomy inquisition, and the titled murderers of the secret tribunal.

All States in their infancy had laws favorable to equality; all, however, have been condemned to see distinctions and preferences grow up among their citizens; and although wealth and dignities were at first but little regarded, so influential were their gradual sway, that they proved all-sufficient to undermine the stability of the laws, and subjugate the spirit of the multitude. Consider the length of time which elapsed before the plebeians of Rome could come to the resolve of sharing the magistracy with the patricians. Yet the people were not unconscious of their influence and their power. The exile of Tarquin had inspired them with an extreme love of freedom. The banishment of the lewd tyrant had induced the hope among the people of yielding to the omnipotence of the laws alone. They had sustained a long and obstinate war of principles, which must have elevated their sentiments. And yet we all know how many indignities, how many exactions, how many tortures; we all know how often the lash of the patrician's taskmaster resounded in the *ergastula;* how often the hard earnings of the laborer were wrung from his toil-worn palms, to dower the patrician wife, or furnish the extravagances of a patrician bridal; how often the plebeian debtor was limbed, joint by joint, to answer the claims of his patrician creditor; how often the Roman *gemonia* echoed with the agony of a tortured people, before they thought, I will not say to hurl their chains at their oppressors, but to stand on the imprescriptible law of self-protection. Goaded at last beyond endurance by the tyranny of the aristocracy, they secede and entrench their rights on the sacred mount. They were sufficiently powerful to have crushed their enemies, or at least to have vindicated the equality of the laws; yet I know not what lurking sense of dependence, what lingering habits of deference to the wealthy, arrest the thought of vengeance; all that they ask, all they desire, is not to be tortured; not to be oppressed. We have eaten of the bread of panda, the bread of communion, with you, they say to the patricians; let not its promise be a lie to ourselves, our wives, and our children. The magistrates whom they appoint to watch over their safety bear no badge of authority, and are content to sit at the outer door of the patrician senate. The tribunes, who knew their power, and exerted every faculty to uphold the dignity of their order, how long was it before they could bring the plebeians properly to value the principle of equality? If the multitude swell around the forum; if it re-echo with their angry murmurs; if they show a disposition to wrest the authority from lawless hands, fear not, it is all a show; a sort of blind and confused instinct, the fruit of habit holds back the plebeians; and, unconscious of the fact, that very instinct militates against their best and most sacred interest, and calms every burst of indignation into ord[illegible] and peace. They must gradually become familiar with the extent of their rights, and if, in a moment of violence and strife, they assert the privilege of sharing the fasces with the patricians, a whole century will have passed away before they dare fully to enjoy that privilege. So much for the disposition to insurgency against the rich, attributed to the poor or laboring classes. And yet, in the teeth of all these facts, in contradiction to all experience, and in defiance of the concurrent testimony of history, our modern aristocracy have the presumption, nay, the bald-faced impudence, to allege that the people have ever a propension to sedition and plunder. Sir, is it not strange, is it not marvellous, that the aristocracy of any country should have the hardihood to make pretensions to a higher sense of political justice, and claim to possess a greater share of morality and virtue, than the people the democracy.

Sir, what is the history of the aristocracy, whether of ancient or of modern times, but a history of aggression, of perfidy, sedition, debauchery, and of moral and political prostitution? What is it but a history of bands of political marauders, whose bond of union was sordid ambition, and whose watchword and rallying cry was rapine? In a word, what is it but a history whose every page bears the indelible impress of omnipotent depravity? Sir, wherever the power of an aristocracy, especially of a moneyed aristocracy, is fearlessly exercised, the whole moral and political atmosphere becomes so contaminated that the heart and its passions, life and its purposes, are alike prostituted to lust and infamy, to avarice and ambition. Within the circle of its influence no generous aspiration can spring, no moral verdure can flourish, no virtue can live; honor, gratitude, beneficence, patriotism—all—all perish. The maxim of the Athenian orator—that action, action, action, was the soul of oratory—appears to have been translated by all aristocracies, construing the essence of political power, into corruption, corruption, corruption!

Sir, when man becomes so far regardless of the rights and welfare of his fellow-man as first deliberately to despoil him of the fruits of his labor, and of those inalienable rights which God and nature vouchsafed to him, and then deride his misfortunes and exult over his degradation, as is the wont of the aristocrat, he is, and must be, fitted for any and every enormity, and would—nay, does, in very deed—spurn the breast that feeds him; "crams, and blasphemes the feeder."

Do I speak in terms too strong of the corrupting influence and of the abominations of aristocracy? By no means. Turn to the page of history, and point me to the people whose virtue or whose patriotism was proof against such influence, after such influence had once been felt. In the footsteps of aristocracies, especially of moneyed aristocracies, ever follows venal and enervating luxury; that common bane of all prosperous Governments, that fell destroyer of all manly and patriotic virtue, that seductive siren who sings of glory while she scatters pestilence and withering mildews round the land. Sir, the history of the past is before us; let us be admonished by the lessons it inculcates. Classic Greece, and stern republican Rome, those former lights and wonders of the world, in an evil hour, took to their bosoms the serpent luxury, and, ere they were aware, became entangled in its folds; they struggled, and struggled, but in vain; its subtle, sickly poison had reached their vitals, unstrung their sturdy nerves, palsied their giant arms, and stretched them helpless and hopeless in the dust!

The dialectics of Aristotle, the philosophy of Plato, and the eloquence of Cicero, were opposed in vain to

the moral and political pestilence which swept the land. The influence of wealth and luxury not only banished virtue and patriotism from the Grecian and Roman States, but carried vice and corruption into the very heart of Christendom! It not only debased the disciples of Socrates and Seneca, but the vicars of Christ and the defenders of the faith. It triumphed alike over heathen philosophy and Christian divinity; and, for the proof, I would refer you to both profane and ecclesiastical history. During the first three centuries, the professors of Christianity kept themselves comparatively "pure and unspotted from the world," and their consciences innocent from secret conspiracy or open rebellion. When persecuted by their enemies, they retaliated not; but, in imitation of their heavenly teacher, meekly bowed their necks to the blow. But, after Christianity had become the ally of wealth and power, mark the change! behold how soon its whole garb and character are altered! No sooner had it become the favorite of royalty, and the associate of aristocracy, than its professors (the once humble followers of the meek and lowly Jesus) rushed from the cloister and the cell, like lions from their lairs, or, rather, like wolves from their dens, thirsting for blood, and howling for revenge. The symbols of peace and purity, the chalice and the cross, were exchanged for the spear and the javelin; the robes of sanctity, the gown and surplice, for the mail of steel, the cuirass, and the casque. The clang of arms and the war shout were preferred to the morning hymn and the evening orison; and, instead of singing hallelujahs to the Prince of Peace, those sanguinary heroes shouted hosannas to the demon of war! The cross was raised in the battle, and glittered on their shields; and corrupted Christianity was spread, by dint of arms, from the Thracian Bosphorus to the banks of the Wolga. But, alas! as it advanced, virtue receded! No sooner were the pagans repulsed, than the spurious Christians turned their swords, still reeking with the blood of the infidel, against each other. The heretics were massacred, and their estates confiscated, and some of the penal regulations were copied from the edicts of that very Dioclesian who had dealt destruction among the Christians. "And this method of conversion was applauded by the same bishops who had felt the hand of oppression, and pleaded for the rights of humanity." But I will pursue this subject no further. My object was merely to show that neither the teachings of philosophy, nor the inspirations of religion, were capable of counteracting or resisting the corrupt and unhallowed influence of associated power and wealth—of aristocracy. And yet, with a knowledge of these facts, with a full and practical knowledge of the immoral and corrupting tendency and character of aristocratic principles, our, venal, flippant, upstart aristocrats, with heads thrown back and arms akimbo, presume to prate of virtue and morality, and dare to impugn the integrity and patriotism of their betters, the democracy. Their arrogance and folly can only be paralleled by their depravity.

But, sir, much has been said against associations—not of bankers, nor of brokers, but of mechanics and laborers. Why, it has been asked with alarm and indignation, why this commotion among the laboring classes? Why this banding together and forming of unions throughout the country? Sir, these associations are intended as counterpoises against capital, whenever it shall attempt to exert an unlawful, or undue influence. They are a measure of self-defence and of self-preservation, and, therefore, are not illegal! Both the laws of God and man justify resistance to the robber and the homicide, even unto death. They are considered necessary guards against the encroachments of mercenary ambition and tyranny, and the friends of exclusive privileges, therefore, may with propriety dread their power and their influence. The union of the working men is not only a shield of defence against hostile combinations, but also a weapon of attack that will be successfully wielded against the oppressive measures of a corrupt and despotic aristocracy. It is the brand of Iolaus, searing and annihilating the Lernæan monster.

The present indications of disquietude in the public mind excite no alarm among the friends of equal rights. It is proof that liberty is abroad, and that the "bone and muscle of the country" are imbued with its spirit. It is an evidence that the republic retains a goodly share of its original purity and freshness, and that the blood flows fast, and the pulse beats strongly, in the body politic, denoting youthful health and vigor. The friends of equal rights, therefore, I say, are not alarmed at these signs of concert and energy in the ranks of the people. They perceive in the gathering cloud, the lightning that is to purify the political atmosphere. It flashes, but terrifies the foes of freedom!

And who are they that clamor against the efforts of the laboring classes to protect their rights and elevate their condition? Who that approve of indictments and prosecutions against them for seeking refuge in union and association from combination and oppression, and hold guiltless, at the same time, the confederates of all conspiracies against them? Sir, I will tell you who they are: they are the sordid champions of exclusive privileges and of chartered monopolies, those cunningly devised substitutes of feudal tenures, and the "insolent prerogative of primogeniture." They are the common enemies of equal rights, and of that just and benign policy which would secure the greatest good to the greatest number. They are the aristocracy, and, therefore, traitors to the principles of the Government which affords them protection.

But it is denied that there is any such party in the country as an aristocracy. The constitution, it is said, recognises no such order. True, sir, neither does the constitution recognise a paper currency; but does it follow, therefore, that no such currency exists? The constitution of the United States positively prohibits the emission of bills of credit by the State Governments; and yet it is notorious that such issues, in the shape of bank bills, are made daily, by and with the consent of every State Government in the Union. It is absurd, therefore, to argue that there is no aristocracy in the country, becuse the constitution recognises no such party or order. But as names do not alter the nature of things, it makes but very little difference by what name that political party is called, which advocates exclusive privileges, or an inequality of rights. Their principles are equally adverse to the spirit of democracy, by whatever name they may be designated.

A purely democratic Government must necessarily be opposed, in its very character and nature, to all monopolies and unequal legislation; and no party, therefore, in favor of charters and exclusive privileges, can, with any propriety, claim to be the party of democracy; it would be equally proper for a disciple of Mahomet to call himself a Christian. Sir, is it not base and horrible mockery, nay, downright perfidy, for any party or individual to profess the principles of democracy or political equality, and pursue monopoly or aristocratic measures at the same time? Whoever professes to be a democrat, and acts upon federal or monopoly principles, deserves to be stigmatized as a political dissembler and traitor.

Sir, shall I be told that the democratic party numbers amongst its nominal supporters monopolists or aristocrats? I am aware of the fact, sir, without being advised of it at this time. Nevertheless, I do contend that the democratic party, as a party, have, from the organization of the Government to the present time, ever been distinguished from their political adversaries, whether

known as federalists, aristocrats, monopolists, nationals, or modern whigs, by their advocacy of liberal or popular principles. The history of the two parties shows this. The first prominent anti-democratic measure proposed in this country was that of the funding or banking system. Alexander Hamilton, the avowed advocate of an aristocracy, was the fit champion of this unequal and onerous measure, and from which has emanated that whole system of monopoly which now overshadows the land, and threatens to subvert the liberties of the people. Of this aristocratic system, mark what has been said by one of the most clear-headed, sound, and patriotic men that our country ever produced. I allude to the late John Taylor, of Caroline county, Virginia.

"Thus, (says that distinguished statesman,) whilst a paper system pretends to make a nation rich and potent, it only makes a minority of that nation rich and potent at the expense of the majority, which it makes poor and impotent. Wealth makes a nation, a faction, or an individual, powerful; and, therefore, if paper systems extracted the wealth they accumulate from the winds, and not from property and labor, they would still be inimical to the principles of every constitution founded in the idea of national will; because, the subjection of a nation to the will of individuals or factions is an invariable effect of great accumulation of wealth; but, when the accumulation of a minority impoverishes a majority, a double operation doubly rivets this subjection.

"The delusion of all paper projects is at once detected by turning upon them their own doctrine; all boast of doing good to a nation. Suppose a nation was to decline this beneficence, and propose to reward it by doing good to paper projects, exactly in the same way they propose to benefit the nation; that is, by taking from the owners of stock their income, and consigning over to them the taxes and the credit attached to the debtor, with the blessing of a paper circulation; the credulity which believes that these institutions do really impose upon nations debt and taxes, direct and indirect, from motives of public good, would be presently cured by the faltering tongues, the wan faces, and the distressing lamentations, which a proposition for this exchange would produce. These paper projects, which pretend to be blessings to nations, would be deprecated as curses by themselves, if the case was thus altered.

"It is said that paper systems, being open to all, are not monopolies. He who has money may buy stock. All, then, is fair, as every man (meaning, however, every moneyed man) may share in the plunder.

"Every man may enlist in an army, yet an army may enslave a nation. A monopoly may be open to a great number, yet those who do engage in it may imbibe the spirit of faction; but it cannot be open to all, because no interest, which must subsist upon a nation, can consist of that nation; as I cannot fatten myself by eating myself. If every citizen should go into an army, it would transform that army into the nation itself, and its pay and subsistence would cease; in like manner the profits of paper, were they generally or universally distributed would cease, because each citizen would be his own paymaster. Had the objection been as true in practice as it is plausible in theory, these answers suffice to prove that it would have converted paper aristocracies into paper democracies.

"The reason, however, for this apparent common power of becoming a stock-jobber, consists in the constant necessity felt for recruits by every species of aristocracy. The mamelukes of Egypt have sufficient penetration to discover this. No individual, nor an inconsiderable number of individuals, can enslave a nation. A despot raises soldiers by bounties. This system is also recruited by bounties. The soldier sometimes deserts, or takes part with the nation after his bounty is spent; but the bounty of paper systems is so contrived that it is perpetually going on, and annually repeated, so that the aristocracy of an oppressive system never deserts, or takes part with the nation, as the army of an oppressive prince has sometimes done.

"Where avarice and ambition beat up for recruits, too many are prone to enlist. Kings, ministers, lords, and commons, will be obliged to command the army and share in the plunder, or submit to be cashiered. The makers and managers of aristocracy gamble, with a certainty of winning, for a stake extorted and increased by themselves. If they deposite their penny they draw a pound, and augment their power. The system of paper and patronage freights annual galleons for a Government and a faction, at a national mine called industry; and bestows on the people such blessings as those enjoy who dig up the ores of Peru and Mexico. The receivers of the profit drawn from this mine reap wealth and power; the laborers reap armies, wars, taxes, monopolies, faction, poverty, and ten hundred millions of debt. This is an English picture. America hopes that her Governors and citizens are neither ambitious nor avaricious; and, upon this hope, is committing the custody of her liberty to the same system. Oh! America, America, thou art the truly begotten of John Bull! It is not proposed to follow this system throughout its deleterious effects upon the morals of private citizens. But if it is capable of corrupting public officers, or Government itself, a remark to exhibit its superior malignity over the aristocracies of the first and second ages, cannot be suppressed. The manners and principles of Government are objects of imitation, and influence national character. The aristocracy of the first age exhibited sanctity, veneration for the gods, and moral virtues, to the public view, not unuseful in their operation, and particularly so in times of ignorance: that of the second, the virtues of generosity, honor, and bravery, not unuseful in softening barbarism into civilization, by the magnanimity and even the folly of chivalry. But what virtues for mitation appear in the aristocracy of the present age? Avarice and ambition being its whole soul, what private morals will it infuse, and what national character will it create? It subsists by usurpation, deceit, and oppression. A consciousness of fraud impels it towards perpetration. By ever affecting and never practising sincerity, it teaches a perpetual fear of treachery, and a perpetual effort to ensnare. Its ends is distrust and fraud, which convert the earth into a scene of ambuscade, man against man. Its acquisitions inflict misery, without bestowing happiness; because they can only feed a rapacity which can never be satisfied, and a luxury which cannot suppress remorse. In relation to private people, this system may only encourage idleness, teach swindling, ruin individuals, and destroy morals; but, allied to a Government, it presents a policy of such unrivalled malignity as only to be expressed by saying, "the Government is a speculator upon the liberty and property of the nation?"

Such, then, sir, is the character and tendency of the paper or banking system. And with this system is identified the aristocracy; they are, in fact, inseparable. The banking system of this country, be it ever remembered, originated with, and has been uniformly cherished and advocated by, the anti-democratic or aristocratic party. The struggle of the United States Bank (one of the first fruits of aristocratical policy) was emphatically a struggle for power and privilege, nay, for dominion. Its friends, emboldened by the hope and prospect of success, threw by the mask, and not only avowed, but carried out into practice, the principles which govern all moneyed aristocracies; and arrogance, corruption, oppression, and proscription, were openly practised in the face of day.

The aristocracy are not only distinguished by their

corrupt and despotic measures, and their penchant for monopolies and exclusive privileges, but also by the virulency and constancy of their animosity towards the advocates of the rights and happiness of the multitude; and hence Jefferson and Jackson, those devoted and efficient champions of equal rights, have each, in their turn, been the objects of their peculiar hatred and unmitigated slanders. In fact, those who most deserve the confidence and support of the people are ever the most obnoxious to the assaults and denunciations of the aristocracy. Who, for example, have been more grossly slandered and abused by them than Martin Van Buren and Richard M. Johnson? And who have stronger claims upon the regard and confidence of the democracy of the country than those gentlemen? Have they not, both in Congress and the Legislatures of their respective States, uniformly opposed chartered monopolies, and all other aristocratic encroachments upon the equal rights and liberties of the people? Have they not, at all times, and under all circumstances, openly and unreservedly avowed their hostility to all exclusive legislation, and to all measures calculated to prejudice the cause of political equality? Have they not ever reposed the utmost confidence in the intelligence and integrity of the people, and uniformly exerted their best energies in behalf of the people's rights and welfare? Let the history of their lives furnish the answer.

The aristocracy are also known by yet another characteristic—their contempt of the common people. I do not recollect that I have ever met with any production in which this feeling of contempt was so strongly and heartily expressed as it is in the late address of Mr. Biddle before the Alumni Association of Nassau Hall. Permit me, sir, to call your attention for a moment to the following extract, as a specimen:

* * * "From your own quiet elevation, watch calmly this servile route (the people) as its triumph sweeps before you. The avenging hour will at last come. It cannot be that our free nation will long endure the vulgar dominion of ignorance and profligacy. You will live to see the laws re-established. These banditti (the people) will be scourged back to their caverns; the penitentiary will reclaim its fugitives in office, and the only remembrance which history will preserve of them is the energy with which you resisted and defeated them."

It is difficult, sir, to determine whether audacity or hypocrisy is most pre-eminent in the extract which I have just read. Sir, must it not strike every one, possessing the least sense of propriety, as very remarkable, that an individual in Mr. Biddle's peculiar situation, being at the time president of an institution notoriously corrupt and unconstitutional, should presume to make pretensions to patriotism or to political integrity? Why, sir, with about as much propriety might the wanton prate of virtue, or the father of lies, of truth and righteousness, as this man of love of country or of political honesty. In his abuse of the people is exhibited the profanity of Alcibiades defacing the images of the gods! In his professions of patriotism is manifested the hypocrisy of Clodius dedicating a temple to Liberty! And let it be remembered, sir, that this enemy of equal rights, this contemner and libeller of the people, is the chief priest, nay, the very Moloch, of the bank-whig aristocracy. No prince better deserves the homage of his subjects; none so well qualified to direct the councils of that political Tartarus, which he has obtained the empire of, and delights to reign over!

[Mr. MOORE, having remarked that he had been ill for some time, and was not able to continue his speech, as he felt his physical powers failing, resumed his seat, without concluding his remarks.]

Mr. BYNUM moved that the committee rise; but, upon the suggestion of Mr. CAMBRELENG, the motion was withdrawn.

Mr. CAMBRELENG made some remarks in opposition to the introduction of the proposition at this time.

Mr. MERCER remarked that his amendment did not differ essentially from that of the gentleman from New York, and he was decidedly of opinion that such a work as it contemplated ought to be constructed. He was not opposed to the proposition of the gentleman, and should probably go with him to the whole extent of the twelve hundred thousand dollars; but he thought it right that the Government, following the examples of Great Britain and France, should cast its own cannon, instead of providing it by contract.

Mr. McKEON said that the amendment offered by the gentleman from Virginia, [Mr. MERCER,] proposing to make an appropriation for a national foundry, in his (Mr. McK's) judgment, ought not to be insisted upon at the present moment. It was unusual, he believed, to present appropriations for new works in this way to the consideration of the House. He had listened with great pleasure to the observations of the gentleman who had submitted the proposition; and he assured him that when the question should be presented, after having been considered by the committee whose particular duty it was to investigate subjects of this character, most cheerfully would he examine the whole matter. The main object which he (Mr. McK.) had in view, on rising to address the committee, was to follow out the suggestions made by his colleague, [Mr. CAMBRELENG,] on opening the debate on the bill now under consideration. The amendment he offered relating to the arming of our fortications naturally drawing into the debate the question of the surplus revenue of the Government, he supposed that the views of members would be given during this discussion on points arising out of this absorbing topic.

In the course of his observations he referred to the remarks of those who had taken part in a former debate growing out of one of the appropriation bills; and to these remarks replies have been given, and thus has been opened a discussion which, by a species of general understanding, was transferred to the bill now before us. That debate was of a most discursive character. An extraordinary latitude was indulged in. If the present debate was to have any similitude to that to which he (Mr. McK.) alluded, the opposition to the administration certainly must have ample cause for rejoicing at the opportunity now afforded them of investigating the situation of our public affairs, and placing before the attention of the country the abuses of the Government. It is well known that, from an anxiety to expedite the public business, the friends of the administration have not replied to many of the charges made against them. We have in many instances submitted in silence, and yet, sir, we have been charged with checking discussion. To those who have charged us with stifling debate, it cannot but be gratifying to to have this opportunity of presenting their views to this House and the nation in relation to our present political condition. Upon a former occasion, the acts of the administration have been examined; every movement was scanned, and, in the brightest coloring in which its adversaries could present them, all the evils to be endured from a continuance of the present system were developed. If a single act remains still unobserved, its vigilant opponents now have the opportunity to present it to the public gaze. I am certain that I speak the sentiments of the friends of the present administration, when I say that far be it from us to shrink from any discussion, or to stifle investigation, satisfied as we are the support of this people will never be given to those intrusted with power, if they refuse to have their acts examined; and conscious as we are that the result of

the strictest scrutiny will not only prove the feebleness of its opponents, but also the claims of the present administration to a continuance of the confidence of the country. Throughout the present session charge upon charge has been made, denunciation has followed denunciation, and yet nothing has been developed calculated to shake one particle of the trust placed in those administering the Executive Government by a large portion of the people. Amongst the multitude of assailants, none bore a more distinguished character than the gentleman [Mr. BELL] from Tennessee. The remarks which fell from him, connected with the circumstances attendant upon their delivery, were of more than ordinary character. The attack was not sudden. From the commencement of this session, "coming events had cast their shadows before."

Often, Mr. Chairman, in those sections of the globe which are visited with those tremendous convulsions of nature, ingulfing cities, with their evidences of civilization and monuments of art and refinement, the traveller pauses to behold the ruins which are the consequences of the awful calamity. He stands astounded at the sight of the overthrow of the stupendous fabrics reared by the genius and labor of man. Who that has listened to the distant noise, foretelling the approaching shock, but felt a dread of the crisis? With similar dread did I listen to the rumor of the attack on the administration. It broke upon us in all its power. Recovering from the shock, which for days rocked this Capitol to its very base, as the sound was dying away, it was anxiously inquired who of the friends of the administration might have been spared, and whether nothing might be visible but the fallen columns and shattered architraves of that once majestic temple, which but a few days previously rose before us in all its magnificence. The shock has passed. Not a pillar has been disturbed. Not a trace is left of that convulsion which shook the administration to its centre, and threatened to bury its friends beneath its ruins. I am not disposed, sir, to believe that the people will question the propriety of investigating the measures of the administration, when the legitimate object of that inquiry may be to correct them. But to the effort to direct, by labored speeches on this floor, at the expense of the business of the country, the public sentiment in relation to a subject with which we have as legislators no connexion, I do believe the country has ample reason to complain, and will make its complaints be heard. The attempt to make public opinion here to operate upon the approaching presidential election, is as improper as it will be fruitless. The seed may be scattered, but it will fall amidst rocks and upon blasted heaths. This hall is not the forum from which the people will be addressed. Our vocation is not to lead, but to follow, public opinion. We have been sent here, not to teach our constituents who ought to be elected Chief Magistrate; we are not elected to convert this place into an electioneering arena. To make laws, not to make Presidents, is the constitutional duty of this House; and the efforts of any of us, in the capacity of Representatives on this floor, in favor or against any candidate, ought and will be visited with the rebuke of an intelligent people. Whatever part the friends of the administration take in these discussions, is with the sole view of defending those who sustain the administration from accusations which have been unjustly made against them. We desire that the truth alone should be developed. I regret, sir, to be brought into a political discussion on this floor. It is foreign to our business, and is well calculated to disturb our councils. Upon those who have introduced it must rest the responsibility. We have not sought it—we only claim the privilege of defence.

We have been charged with sustaining a Government candidate for the presidency; with being upheld by a press receiving its support from the Government patronage; by a press which has denounced all who dared to differ with it, and has pursued with an unrelenting ferocity those who had the boldness and independence to array themselves against a system of dictation and corruption. As the gentleman from Tennessee has so frequently alluded to this persecution of himself, I cannot forego the opportunity of referring him to a remark of Mr. Jefferson, in which he stated that public men will be judged not by what is said of them, but by what is said by themselves—by what is done by themselves. To this rule he cannot object. Unless the labors of the press to which he alludes have been sustained by truth, they must be powerless. In wielding the weapons of truth alone, the press has its power; and no man who values the institutions of the country would desire to see any means used to abridge the exercise of those energies, calculated to preserve those institutions. Upon an unshackled press rests the hope of freedom. The present administration has been a constant object of attack. The patronage of both Houses of Congress, a patronage amounting to thousands annually, has been given to those connected with the political parties of the day; and not one word has been raised against the measure by those who see at the present time great danger arising from such connexion. Has that silence been produced by the unyielding opposition of those presses to almost every movement of the administration?

Why has this sudden development, with regard to the corruption of the public press, remained to be made until the present session? The connexion of a political party with the press in this city has been sanctioned, year after year, by the acquiescence of those from whom the denunciation now comes; and yet not until the present moment is the outcry raised! Is it because we have a press which maintains the cause of the people, that these lamentations are now made? Is it for this reason that certain individuals, who have heretofore slumbered on their posts, now are seen rushing to the outward walls, and sounding the approach of an enemy eager to destroy the battlements of freedom?

When I heard the gentleman charge the administration with being false to the pledges under which it came into power, with having violated all the solemn promises under which it assumed the direction of our public affairs, I might have been astonished, had I not been aware that the charges were made by those whose attachment to the administration was something like that of Master Slender for sweet Ann Page. There was no great love between them in the commencement, and it decreased upon further acquaintance. I admit that I was not prepared to hear accusations made by those who have, until within a short period, acted with the same party which is now the object of attack. From those who had uniformly acted in opposition to its principles, who had never sanctioned its policy, it was natural to expect such charges; but I had no expectation that the blow would be struck by those who have scarcely left the high places to which they were elevated by their professions of attachment to that very administration now so much the object of their obloquy. Almost all the acts in which there is now to be seen so much deformity have long been before the country, and not one charge has been made by some of those who now are terrified with its past conduct, until the present session. The connexion with new political allies has evidently given a change to their opinions. With Mr. Burke, I am induced to believe that these gentlemen, "gradually, are habituated to other company, and a change in their habitudes soon makes a way for a change in their opinions. Certain persons are no longer so very frightful, when they come to be known and to be serviceable. As to their old

friends, the transition is easy from friendship to civility, from civility to enmity; few are the steps from dereliction to persecution." Throughout this whole session we have had those who professed to be the friends of the head of the administration acting with its enemies—voting with them; and it is in vain, sir, that they can expect that on their return to the people they will not be considered by that people as wearing the same badge, rallying under the same standard, and seeking the triumph of the principles opposed to those on which this administration has been founded and sustained.

Amongst other charges, we have been accused with having uniformly defeated such measures as would be calculated to keep the election of President and Vice President out of this House. No man who wishes to preserve the purity of our Government and to save from the polluting touch of suspicion the character of the members of this body, no man who wishes to keep amongst the body of the people the most sacred duty which devolves upon them of selecting the highest officers of the country, but must desire to keep the election out of this House. It is not my intention to defend the President on this point. He needs no defence. His messages, year after year, speak for themselves on this point. I do not intend to examine the course of the administration party during past years here. Until the present session, I have not had the honor of a seat upon this floor, but I have not been inattentive to the proceedings of Congress. In the demand which has been made upon the attention of both Houses, by discussions arising out of questions of great importance, might be found sufficient excuse for not having acted upon this subject. We have had the bank question, the tariff question, and a variety of subjects of vital interest, which have engrossed the time of this House. I leave the past, I seize upon the present, and ask who is taking advantage of this defect in the constitution, which some are so anxious to remedy? I care not for professions—I look at facts. It is openly avowed, by some of the opposition presses of the country, that the election must be brought into the House. Frankly is the opinion avowed in leading political journals, that in this way alone can success be hoped for. And when we look to the course of the friends of the administration, what do we behold? But one candidate, with one set of principles, relying for support on the whole democratic party of this vast confederacy. What do we behold on the other side? The most strenuous efforts to defeat the candidate of the democratic party by appeals to sectional feeling. We have one candidate in the East, we have another in the West, and a third in the South and Southwest. And for what end? It is admitted that not one of the candidates can obtain sufficient votes of the electoral colleges to elect him. Is the object to divide the forces and bring the contest here, where a selection, which ought to be made by those who sent us here, may be made by us? Is it so arranged that we are to be converted from agents into principals? For one, I seriously hope that this result will not take place. I believe that when the fact is presented to this people, that there are three candidates in the field, without any avowed principles, and with the declared object that the election is to be brought to the House of Representatives, the matter will be taken into their own hands. It can never be sanctioned by a people which has sustained the present administration, that support should be given to candidates who avow no principles, and agree upon no point except their hostilities to the individual who has openly declared his determination to pursue the policy of the present administration.

With a view of defeating this candidate, a feeling has been attempted to be raised against conventions. The objection to conventions ought not now to be raised, either by our open opponents or our late friends. Both have sanctioned this mode of presenting candidates to their respective parties. In 1832 the convention at Baltimore nominated the present Chief Magistrate for re-election, and placed the present Vice President before the country as a candidate for the office of presiding officer of that body which had attempted, but vainly, to brand him with the sear-mark of their condemnation. Throughout the whole country, so far as the democratic press was concerned, but one sentiment prevailed; and, by a concentration of public sentiment on these two candidates, a complete overthrow of those opposed to the administration was the consequence. The election terminated in the triumphant re-election of the Executive, and in placing the persecuted to preside over his persecutors. We have been told that in one State this system was looked upon with any thing but favor. I allude to Tennessee. Yet, sir, that patriotic State sustained the nomination at Baltimore, thus giving the highest proof of her adoption of the system. It is not my purpose to speak of the change of sentiment which, we are told, has taken place there. It is not my intention to charge her with inconsistency. If a change of circumstances require a different course to be pursued now from that adopted then, it is not for one from another section of the Union to hold up her proceedings to the gaze of this nation. For myself, I am satisfied that the recommendation of several hundred members of the democratic family will be looked upon with as great favor as the correspondence of members of this House, whereby the name of a distinguished individual may be placed before the country in connexion with the first office in the gift of the people. Our presidential question is daily becoming more exciting; the candidates for the distinction becoming more numerous; and unless some mode be adopted to concentrate the sentiment of those who profess certain principles, and recommend certain persons as best calculated to carry out their principles, there is a probability that the reins of Government will be placed in the hands of those who profess principles opposed to a large majority of the people.

One of the accusations expressed in the indictment of the gentleman from Tennessee, was the system of excitements pursued by the administration party. He passed over the gold humbug, as he termed it, and the expunging process. By the first, he must be understood as referring to the effort made to restore the constitutional currency into the country; an effort which was intended for the producing classes of the nation, and with a view of giving to them a currency which could not be affected by every variation in the money market; giving to the farmer that which should be a true return for his produce, and to the laboring man the real value of his labor. By the second, he refers to the means employed to remove from the journals of the Senate an act which condemned, unheard and without proof, him who had defended your homes from foreign invasion, and rescued your country from the despotism of wealth. Both, sir, may be resisted, but only for a time. The intelligence of the people, united with their desire to do justice to the injured, must ultimately give a triumph to both these measures.

The French question is that upon which he rests. The gentleman from Virginia [Mr. GARLAND] has ably reviewed the whole course of this controversy; and it would be useless to attempt a reiteration of his statements. That controversy has passed away from us—the last, the brightest act of the foreign policy of the administration. The course adopted by the Executive, bungling and improper as it has been termed upon this floor, has yet obtained for your citizens indemnification, and for our country a reputation. The gentleman from Tennessee knew, as well as the Executive, every important act in relation to the negotiation. From time to

time they were communicated to the nation. What object could the administration obtain by excitement! The attempt improperly to arouse the fears of the country would be seen recoiling in unmeasured violence upon those by whom it might be made. The gentleman from Tennessee says the President ought, if he really believed war was approaching, (as his friends did proclaim it was approaching,) to have convened Congress during the last summer. The moment he had issued such a proclamation, it would have been the signal for a shout from every part of this Union, that with his rashness he was about to precipitate the country into difficulty. No, sir; with the patience of Fabius he sought to restore their property to his own countrymen. Throughout the whole negotiation a spirit was displayed of which every American should be proud. Yet, sir, I have been astonished to hear it insisted upon, not only here, but without these walls, that this Government had made an apology in the course of the difficulty. One gentleman referred to Mr. Rives's explanation to the French minister, Polignac. If reference be made to the history of our foreign relations, it will be found that, although France has several times required explanations, never has she obtained them from the United States. The course adopted by the commissioners with Talleyrand in 1778, by Mr. Rives with Prince Polignac, and by Mr. Livingston with De Rigny and De Broglie, has been of a uniform character. The principle has been boldly avowed in all the communications of our public agents, and I trust will ever be sustained, that executive communications are not to be explained to any foreign Government on earth. With the French question we have been elevated in the eyes of the civilized world. We have presented the spectacle of a young and chivalrous nation, conscious of the justice of her demands, requiring of a nation armed at every point payment of a just debt. The consequence has been, that, in the presence of the assembled nations of the earth, our country stands respected for her resolution. The very attitude has given nerve to the cause of popular Government; and while Europe starts at the boldness of our conduct, and applauds our course, is it to be believed that there are those at home who attempt to rob him, to whom the country is so greatly indebted, of the lustre of the deed which he has accomplished? Unprepared, without ships, without fortifications, we might have been; but, sir, with less means, we have already had a contest with one powerful nation; and with our immense resources of power, and, what is more, of patriotism, I never had any doubts that my countrymen were willing to rally around the Executive in the maintenance of the honor of the country. They never would consent that the character of the nation should be tarnished by one particle of explanation. The flag of our country now floats untarnished; and when one stain is upon its folds, let the country not exist covered with disgrace. Let our sun go down suddenly, if it will, but let it go down in brightness.

If we are to believe the representations which are made here, sir, the administration has been signalized by a series of violated promises, and by having led the country, gradually, from a most elevated position into the lowest depths of degradation. It is charged with the corruption of the great mass of the people; with having, upon this floor, a party represented as a prætorian cohort, marched and wheeled at the command of the Executive—the press manacled and enslaved. In one word, a scene is presented from which every American should revolt with disgust. And who are the accusers? By whom are these charges made? By those who, but a short time since, were seen in the ranks of the administration—who participated in its labors. From these, high accusations come; by them are these daily denunciations made—no doubt with a view of arousing the nation to a sense of its danger. If Jupiter himself should thunder daily from his high heavens, the sublunary world would become accustomed to the sound, and remain undisturbed; and certainly there can be no reason to believe that the daily rattling of the car of Salmoneus can attract attention. With what truth can they accuse an Executive of corruption, when the evidence is before the world of his having placed his veto on a system of internal improvements which would have thrown into his hands immense means, by a diffusion of the public treasure? an Executive which resisted the combined influence of wealth, and refused its sanction to a measure which would have given it the power to place its satraps in every section of the Union. Corruption may be found in a state of quiescence, but not in an administration every step taken by which has been opposed by a phalanx of industry and talent; and, notwithstanding, has uniformly triumphed. With the accuser and accused I am willing to approach the great tribunal of public scrutiny; and that the acts of those intrusted with power should speak for themselves.

What has the administration done? Let your foreign and domestic policy answer. Look to your seas, unlocked to the commerce of the country—to channels regained or discovered for the outpouring of the industry of your farmers. Look to your indemnities, wrung from European Powers, and your country respected amongst the nations of the world, by carrying out the maxim of American diplomacy, that "we will ask for nothing but what is right, and submit to nothing which is wrong." And are there no evidences of wisdom and integrity in your domestic policy? Where is the discharge of your national debt? where the relief from taxes to the amount of millions, by the reduction of your tariff? where the enlightened policy with regard to your Indian tribes, preserving them from annihilation, and giving quiet to your citizens? where the effort to restore the gold currency to your country? where the triumph over a gigantic institution which had chosen a nation for its antagonist? By its acts let the administration be tried, and I have no doubt of the approving verdict of the country. In a career of unexampled prosperity, with the richest stores of plenty, and at peace with the civilized world, is the position in which the present Executive, in the last year of his public career, finds the nation; and well may be applied to him the language of the Roman Consul, that for many of these benefits are we indebted to the integrity and wisdom of one man. In the recollection of his countrymen his actions will be cherished. On their tongues shall his actions grow, and on their records shall they arrive at age and strength; and the same day which brought deliverance to the country shall transmit to posterity the remembrance of his administration.

An administration around which so much lustre is now shed, calls for supplies to carry out its measures relating to the public defence. A review of its past conduct was made by the gentleman from Tennessee, with the desire of ascertaining whether it was trust-worthy. I hope that, in common with the country, this House is satisfied on that point. The proposition is now made to us to prepare a system of national defence. Attention has been directed to it, and we are now called upon to take measures to provide the country with such defences as her situation demands, and her character requires at the hands of her representatives. We have arrived at a point at which the question must be settled whether we will divide the money in our Treasury, or build necessary fortifications, increase our navy, and protect our inland frontier from the incursions of the savages. The means which we have at our command will permit us to prosecute any plans which may be agreed upon. I am

not disposed to rush forward into a system of extravagant expenditures, calculated to lay the foundation of a policy opposed to the principles of, and to bring discredit upon, a republican form of government. The danger is always in extremes. We have an opportunity of pursuing a course which will end in no improvident expenditure of the public treasure, and at the same time provide us with ample defences. Whatever movements shall be made, I hope will be taken with due consideration. Opposed as the country is, as a settled policy, to overgrown naval establishments or large standing armies, I have no doubt every effort to increase any branch will be watched with the jealous care which should always characterize a people conscious of the value of the institutions they enjoy, and anxious for their preservation. But still, when the condition which we now present, as to defence, is placed before the country, there can be no fear of its sustaining the policy recommended to us.

At various periods reports have been made by intelligent officers, regarding our public defence. So far as my judgment can be formed, none holds a more conspicuous station than the document which has been laid within a few days upon our tables from the War Department. It displays an intimate knowledge of a subject of vast extent, and presents to the view of Congress a system which, while it avoids all extravagance, is marked with a prudence which requires that no important position should remain unprotected. Sanctioned by the approval of one whose military reputation was acquired at a period when the world was an entire battle-field, and when the greatest generals the world has ever seen were gathering their laurels, it comes to us with no ordinary character. An examination of that paper will convince members that the systems offered heretofore to the country will admit of some alteration. The great divisions of the engineer's report of 1821, insisting upon an efficient organization of our militia, upon facilities of internal communication, of a well-arranged navy, and fortifications, as containing the elements of a proper defence, are points upon which we can all unite. These are so closely united, that the whole system will be affected by an improper arrangement of any one of the parts composing the whole plan. With respect to our defence, there are three points to which I must solicit the attention of the committee. I divide the locations for which provision should be made (and I believe I do nothing more than what is suggested by the War Department) into the frontier bordering upon the British possessions, our Indian frontier, and maritime frontier. The fact that the British Government has erected garrisons of great extent at some points in their possessions, affords no example for our imitation. Attack, if made, is to be expected from the strong upon the weaker Power. We have nothing to dread in the shape of an inroad upon us from that quarter. In the opinion of the Secretary, to build large fortifications on the Lakes Ontario, Erie, Huron, and Michgan, would be a useless expenditure of money, as an enemy might land at points beyond the reach of these very forts. Temporary block-houses would answer every purpose which could be produced by expensive works. Moreover, a fleet, upon which every reliance might be placed by us, could without delay be put afloat upon these inland seas. The closing of the entrance to Lake Champlain is a measure recommended by the Department. Connecting, as this sheet of water does, Canada with the States of New York and Vermont, it is necessary for the United States to have a commanding position in that section.

The internal frontier of the United States is covered with hordes of savages. From the Gulf of Mexico up to the line dividing our possessions from those of our British neighbors, our population is exposed to the attacks of a barbarian foe, whose hatred to the white man is unceasing, and crowds of whom hang, like avalanches, ready to fall upon our countrymen. We have adopted a policy which some here insist adds every hour to the danger. Is it proper that we should transport the Indians, place arms in their hands, and then leave them in the neighborhood of civilization, to watch for their opportunity, and massacre those who are the pioneers in the march of improvement in the new sections of the country? Look at the position of affairs in that section. You have a report which shows that a body of Indians, combining a warlike strength of a terrible character, will soon be collected between our frontier and the Rocky Mountains.

After the emigration now going on shall be completed, the following it is supposed will be the result:

Indians who have emigrated, - - -	31,348
Indians to remove, - - - -	72,181
Indians of indigenous tribes, within striking distance of our frontier, - - -	150,341
	253,870

Here is a force well calculated to excite alarm. The experience of the past appeals to us in characters of blood. We have had in a few years several Indian wars. At this moment the Seminoles are in arms, and before them many a valiant man has fallen. The recurrence of these sanguinary contests, in which neither age nor sex is spared, must not be permitted. Millions have already been expended in putting an end to wars, which, had a necessary force been exhibited, never would have occurred. An increase of military force, and of that species of force, of mounted men, is necessary to keep the savages in awe. Nothing, as has often been stated, but a display of power is calculated to preserve peace; and you will, by keeping a force before them, convince them that the war which they wage with the white man must be hopeless. The establishment of a road from some point on the Upper Mississippi to Red river, passing west of Missouri and Arkansas, together with the construction of certain forts at a trifling expense, recommended by the Department, will tend to give protection to our settlements requiring it at our hands, by every dictate of humanity and patriotism.

The most important point of defence, when viewed either as to extent to be protected, or the amount to be expended, is our maritime frontier. With a coast stretching from Nova Scotia down to the Sabine river, we present a line of thousands of miles to the approach of an enemy. To throw up a line of fortifications, resting one upon the other; to have our coast defended by a series of martello towers, with a view of preventing an unbroken rampart of defence, would be an idle, extravagant, and useless expenditure of public money. To fortify every point which can be approached must be unnecessary; to place fortifications at the entrances to our principal cities, and particularly those having naval depots, fortifications of a character sufficient to meet the attack of a powerful fleet, must be the great object at present. The views laid down by Secretary Cass are so valuable that I cannot forbear to state them to the committee. After recommending an augmentation of the navy, an efficient organization of the militia, the cultivation of military science, the preservation of a skeleton of a regular establishment, the proper distribution of the munitions of war, he proposes to finish the works now under construction, to fortify the harbors and inlets upon the coast where we have cities and towns of importance, and where we have naval establishments. He advises also the appointment of a board to resurvey positions intended to be fortified; also an investigation to be made in the matter of steam batteries, with a view of using them in our system of defence, and particularly our bays and

harbors. He recommends a reconsideration of the project for fortifying the roadsteads and anchorage grounds; also an increase of the corps of engineers. According to his report, there are two bills before Congress; one amounting to $2,180,000, and intended to prosecute works already commenced. This includes, in consequence of the loss of the celebrated fortification bill, operations of two years. This bill, in his opinion, ought to be passed without delay. The second bill proposes nineteen new works, and $600,000 for steam batteries. He thinks that the appropriations for the steam batteries may be reduced to $100,000; and the following, amounting to twelve in number, may be deemed necessary works: at Penobscot bay, Kennebeck river, Portland, Portsmouth, Salem, New Bedford, New London, Staten Island, Sollers' Flats, Redoubt on Federal Point, Barancas, and Fort St. Philip. These he deems of paramount importance. The appropriations for steam batteries are highly important. In future wars steam is destined to perform a wonderful part. Upon these batteries the defence of our harbors will, in a great measure, depend.

In the prosecution of the system of fortifications which has heretofore governed us, a number of works have been erected. The following presents a list of the fortifications erected since the last war, with their location and character:

Delta of the Mississippi.

1. Fort Jackson, a large and expensive work.
2. Fort Pike, an expensive work.
3. Fort Wood, an expensive work.
4. Tower Dupré, not large.
5. Battery Bienvue, not large.

Mobile.

Fort Morgan, a large and expensive work.

Pensacola.

Fort Pickens, a large and expensive work.

St. Augustine.

A considerable appropriation to repair the fort at that place.

Cape Fear River, North Carolina.

Fort Caswell, a large and expensive work.
Fort Macon, a large and expensive work.

Hampton Roads, Virginia.

Fort Monroe, one of the largest works in the world: it covers 70 acres of ground.

Fort Calhoun, near Fort Monroe—the foundation made: it has cost already a large sum of money.

Washington City.

Fort Washington, 18 miles below the city, a large and expensive work.

Delaware River.

Fort Delaware, a large and expensive work. It was burnt, and is to be rebuilt.

New York.

Fort Hamilton and Fort Lafayette, both large and expensive works.

Newport, Rhode Island.

Fort Adams, a large work—unfinished.

The above are all the new works commenced since the war, making eleven new, large, and expensive works, besides appropriations for old works south of the city of Washington; add four new large works, besides appropriations for old works north of the city of Washington.

These constructions have, for the most part, taken place in the Southern portion of our country, being included in those sections, in the opinion of the engineer department, requiring early and efficient defence. The present appropriations are chiefly proposed for the Northern and Eastern sections of the country; and are required for positions calling loudly for the protection of the Government. No point on the whole coast requires that protection more than the city of New York, and I trust that the policy of the Government will continue to extend its care towards it until ample defence and shield is given to the lives and property of not only those in the city of New York, but the immense extent of country which it commands. The amount expended on particular points ought not to be brought into a question of this nature. We must expend with reference to the wants of each section of the country. Some will require more, others less, in proportion to the exposed situation and the importance of the point to be fortified. With a view of giving to the committee full information on the subject of expenditures on this point, the following table, prepared at my request, at the engineer department, is submitted to them:

Statement of the amount expended on account of fortifications, from the year 1791 to the 31st of December, 1835, in each of the maritime States and Territories.

Maine,	$6,105 07
New Hampshire,	95,913 30
Massachusetts,	737,981 10
Rhode Island,	1,110,157 90
Connecticut,	72,196 29
New York,	3,678,614 66
New Jersey,	20,350 00
Pennsylvania,	191,871 64
Delaware,	654,323 49
Maryland,	1,079,809 03
Virginia,	3,260,848 69
North Carolina,	870,785 31
South Carolina,	1,006,665 72
Georgia,	478,531 09
Louisiana,	1,984,493 05
Alabama,	1,497,137 24
Florida,	736,786 29
District of Columbia,	43,781 74
	$17,526,351 61

I offer these to show gentlemen the amount which has been expended throughout the maritime frontier. I will not follow the example which has been placed before me, of drawing comparisons between the amounts paid into different sections of the confederacy. It is a disagreeable and useless task. I am willing to believe that the reference to the past may have a beneficial effect upon the future; that when the ground has been reviewed over which we have passed, we may be disposed to extend the kind offices of the Government to those sections now unprovided with means of protection.

There is one arm of the public defence which, on all sides, is admitted to require the fostering care of the Government. The military marine of the nation is the subject of admiration in every point of the Union. It has covered itself with laurels, gathered in contests with the most gigantic maritime Power of the world; it has laid upon our altars the richest trophies, won from those who had claimed exclusive dominion over the sea. We look to it not only as the means of sustaining our national character, but as our great bulwark of defence. With our extensive ocean boundary, we must necessarily be exposed to assaults from foreign naval Powers. Our contest naturally will be upon the ocean; and as the most effective means of giving protection, and at the same time best adapted to our institutions and character, the navy must be favorably viewed on this floor, as the basis of our system; attention must be paid to the condition and location of your naval depots. Without suitable positions at which your vessels of war can be built and refitted, positions affording facilities of various kinds, much of the efficiency of your force must be lost. To the proposition which has been made to reduce our naval establishment, I cannot subscribe. I am aware

that the Navy Commissioners have heretofore recommended the selection of Narraganset bay and the Chesapeake, as proper locations for two great depots. This suggestion has been examined by a distinguished South Carolinian, who opposed the measure on the ground that the expenditures of the Government ought, as far as possible, to be distributed throughout the country; that the concentration of the number of individuals necessarily employed would throw into the hands of those intrusted with power, a dangerous influence: moreover, that it interfered with the recommendation of the Executive for the laying up timber. For that purpose, building slips are required, and great room is necessary. So essential are these building slips deemed, that England and France, with a view of having them in their establishments, have increased their navy yards. The report of the Secretary of the Navy, (now at the head of the Treasury Department,) in the year 1831, also expressly takes ground against the reduction. In time of war, also, the advantage of having several points of refuge for our vessels must be apparent. It never would answer to have on the whole line of our coast only two places of resort. I am aware that the opinion prevails that certain points ought to be abandoned, on the ground that they do not possess those advantages which are essential to the proper location of navy yards. I am aware that the very city which I have the honor in part to represent has been deemed one of those unworthy positions. If gentlemen will examine the report made by officers of distinction, and whose knowledge of the wants of our service is undoubted, made some years since in relation to the proper sites for our naval establishments, and will apply to the harbor of New York the requisites deemed necessary for a valuable navy yard, they must be satisfied of the propriety of maintaining an extensive depot at that place. I am unwilling to allow the impression to exist, that the public money is uselessly expended there. The requisites of a proper site are numerous. Accessibility alone is not sufficient to recommend a station. A navy yard in the harbor of New York is easily defended. A navy yard ought not to be located in a position which would require a large standing force to defend it. Surrounded by a dense population, defence could be at New York made with efficiency and rapidity. New York would require a double force to carry on a successful blockade. An enemy would be forced to keep a fleet at the Sound, and another at Sandy Hook. Dry docks can be there made without difficulty, and in certain points fleets might ride in perfect safety, completely landlocked. Timber can be readily supplied at this point. The stores, armaments, and crews of our vessels, can be procured there with more facility than any other part of the country. The advantages which that port has, as the great commercial mart of the Union, are beyond those possessed by any other place. The ship building which is carried on brings to it a large amount of the talent necessary for that branch of business. Of this portion of our employment we are justly proud. We feel a pride in the skill, taste, and industry, displayed in our naval architecture, manifested, as it is, in the construction of the humblest craft which may be seen skimming over our bay, as well as the massive vessels which carry the reputation of their construction into distant seas. Truly can be applied to them the remark, that, under their hands, the rudest materials soon "assume the likeness of an animated being, and, with swelling plumage, rise before us." How necessary is it to have our national stations so arranged that we may command the services of the first artisans in the proper execution of the work of the Government. I now ask the consideration of the question of accessibility. That the ingress and egress of vessels should be easy, there can be no doubt. One of the objections to New York has been removed by the recent surveys made of the entrance by Sandy Hook. The examinations made by Lieutenant Gedney, engaged in the coast survey, have proved that a channel exists which will permit a vessel of the largest class, without difficulty, to approach the city. The maps of this survey I have examined, and I cannot but bear testimony in favor of the industry and skill which have contributed to results so valuable to the commercial and military marine.

Let us now examine the amount of your marine force. What is the condition and number of your vessels? Although our commerce covers every sea, and we rank as the second commercial nation, we find that we can be considered but as eighth in regard to force. From a list in Niles's Register of the naval force of the different Powers, I give the following statement of the number of their vessels:

Great Britain, - - -	746
France, - - - -	333
Sweden and Norway, - -	261
Russia, - - - -	168
Ottoman Empire, - - -	132
Holland, - - - -	103
Austria, - - - -	72

All of these Governments, with the exception of England, have nothing like the interest afloat that we have; and yet, with a most extended maritime frontier, stretching upwards of three thousand miles, with a hundred thousand seamen engaged in our marine, with hundreds of vessels and millions of property exposed, we have a force inferior to any of the Powers named above. What force have we in the Mediterranean, Pacific, West Indies, Brazil, East Indies, and on your coast, at each one of which points a force ought to be stationed? Four frigates and fourteen sloops of war. No one will be rash enough to declare this to be sufficient to give any protection to the property and the lives of your fellow-citizens. While we have greater interests at stake than most nations, the policy of most of them has been directed continually to promoting the advancement of their respective navies. It may not be without advantage to refer to the policy of France, with a view of disclosing to this committee the anxiety of that nation to obtain a naval power. Every measure calculated to foster the whale fisheries and cod fisheries has been adopted. Premiums have been given to those engaged in those branches. The object is to give her the means of supplying her military marine with men. She has her conscription lists, on which all engaged in sea life are enrolled. By an ordinance of Louis XVI, in 1784, all young men who were 18 years of age, and had served one year as seamen, were enrolled. The law is still in existence. All engaged in the coasting trade are enrolled. From these sources the Algerine expedition was fitted out. She has her naval schools, her institutions for instruction in naval architecture, her schools of practice in naval gunnery. In one word, a policy is developed, which shows the ambition of France is to compete with England in naval mastery. In 1834 France asked of the Chambers, to be expended, 65,500,000 francs for her naval establishments. What do we see in England? At the present session, the King, in his address, has called upon the Commons for increased supplies to sustain the navy, so as to give protection to the increasing commerce of the country. By the late arrivals, we learn, by a statement which I find in one of our public journals, that "the navy estimates were brought forward, which led to some discussion relative to the proposed increase of the marine force, as alluded to in the King's speech. The total excess of the estimates over those of the last year is £246,000, which has

arisen from the necessity of augmenting the number of seamen and marines to the ordinary or yard craft. The increase in the vote of the present session is £254,000, and the number of new hands 5,000 men, and 1,000 boys; making the whole of the sea service to consist of 33,700 men, 9,000 marines, and 2,000 boys. England has only ten line-of-battle ships afloat, whilst Russia has eighteen in the Baltic, and had twenty-three more at the review at Cronstadt, independent of frigates, small craft, and armed steamers."

These statements will show what anxiety is manifested in relation to this subject on the other side of the Atlantic, and should prompt us to look to the state of our navy. We ought to turn our attention to the protection of our commerce. It has already been the easy prey of several nations, from whom for years we were compelled to apply for indemnification; and are we willing to allow these depredations to be repeated? Look alone at the whale fisheries in the South seas, those nurseries upon which we must depend for our men in the hour of trial. Last year it was estimated that two hundred and fifty-three vessels were in those seas; that nine thousand navigators were afloat in that region. Ought not ample force to protect and give relief to these intrepid men to be afforded?

The Commissioners of the Navy propose the employment of forty-two vessels, to be engaged in squadrons, as follows:

"One might be employed in the Mediterranean, and attend to our interests on the west coasts of Spain and Portugal, and southward to the western coast of Morocco and Madeira.

"One in the Indian ocean; to visit, successively, the most important commercial points east of the Cape of Good Hope, to China; then to cross the Pacific, visit the northern whaling stations and islands; cruise some time upon the west coast of America, and return by way of Cape Horn, the coast of Brazil, and the windward West India islands.

"One in the Pacific ocean; to attend to our interests upon the west coast of America; keeping one or more vessels at or near the Sandwich and other islands which are frequented by our whale ships and other vessels; and, in succession, cross the Pacific, visiting the islands and southern whaling stations, China, and other commercial places; and return, by the way of the Cape of Good Hope, to the United States.

"A squadron upon the coast of Brazil, or east coast of South America, might be charged with attention to our interests on the whole of that coast, and upon the north coast, so far as to include the Oronoco. If a ship of the line should be employed on this station, it might be occasionally sent round to the Pacific.

"A squadron in the West Indies and Gulf of Mexico will be necessary for, and may be charged with, attention to the protection of our commerce amongst the West India islands and along the coast of South America, from the Oronoco round to the Gulf of Mexico.

"A small coast squadron upon our Atlantic coast might be very advantageously employed in making our officers familiarly and thoroughly acquainted with all our ports and harbors, which would be very useful in a state of war. The vessels would also be ready for any unexpected service, either to transmit information or orders; to re-enforce other squadrons, or to visit our Eastern fisheries. Besides this cruising force, it is recommended that a ship of the line be kept in a state of readiness for service, men excepted, at Boston, New York, and Norfolk, and used as receiving-ships for the recruits, as they are collected. This would give the means of furnishing a considerable increase of force, with a very small addition to the current expense."

Whatever vessels we have ought to be put afloat, and I trust that we shall afford to the Department the means of placing them in a situation which will permit them to be useful. It is time that additional rank be given to your officers. It is due to their valor; it is due to those who have gained laurels for themselves and the country. Employ your officers in protecting your foreign commerce, in your surveys of your coast, and in the naval depots at home, and you will give them sufficient employment. In one branch they might be of incalculable advantage; useful they might be in cruising off and relieving your merchantmen approaching our dangerous coast, as it is in many parts, and particularly at inclement seasons of the year. These very vessels might afford good schools of practice for your officers. Establish your observatory, and your national foundry for casting your cannon. Carry out these plans, and you will have a system calculated to give efficiency and promote the welfare of a branch of service eminently calculated to be useful to the country.

We do not want a navy like that of any of the great European Powers, but we want a marine force sufficient for the purpose of carrying out the original object of the system. We want a force sufficient to give protection to our immense commerce, extending itself into every sea; we want a force to give respect to our country abroad, and to form the basis of a power which, in the hour of difficulty, will be sufficient to assert the honor and maintain the character of the country.

The prosecution of such a system of defence will require a large expenditure of public money. When I hear of propositions for the distribution of the surplus revenue, I cannot but believe that gentlemen are not aware of the immense demands which are naturally to be made upon our Treasury for the purposes of a national character, and which will be admitted by a large majority to be necessary. On examination of the estimates of the engineer bureau, I find that upwards of thirty millions are deemed necessary for fortifications. By the ordnance department thirty millions more are estimated. For the navy forty millions have been calculated. That these sums have been sanctioned by the Executive I do not pretend to aver. They have not been so sanctioned. This sum of upwards of one hundred millions will give gentlemen who are so anxious to divide, because, as they insist, we have no use for our money, some idea of the amount deemed by those who are conversant with these matters, which may be required for our defence. In addition to these estimates, we have upon our tables some seventy bills (out of several hundred) containing appropriations for twenty-seven millions of dollars. Provision is also to be made for upwards of seven millions for Indian treaties. When a survey of these probable requisitions is made, and a thought is given to the probable millions in various shapes, for your war in Florida, for private claims, return of duties, and various other items which will be asked from the Government, I am disposed to believe that there will not be this great anxiety to divide the money we now have on hand. It would not be the act of prudent men. It could not be approved as an act of wise statesmen. I am aware that objections are raised against this system of defence, which the administration proposes to execute. It is deemed by some a useless expenditure. When you refer to the terrible results which awaited the country from its exposed and defenceless condition at the last war, the reply is given that our situation is materially altered as to resources, and that we do not stand in need of them. Endorsed as the system is by the President and the Secretary of War, and by the reports of those well versed in these subjects, and whose opinions are of value, I might refer to that fact for an answer. Yet, sir, although we have no fears that an invading enemy could make a lodgement permanently in our country; although we are satisfied that since

the last war the resources upon which a country must rely in a belligerant state have been rapidly increasing; that the tide of population has been swelling and pouring in upon points at that time undisturbed by the hum of civilization; that, by means of our canals and railroads, we have increased our means of transporting troops and concentrating forces at any point within a short time; still it becomes us not to refuse to prosecute a system of fortifications which, in the present state of the science of war, is required to protect the lives of your citizens when called into service, and to defend your homes from destruction.

We are next informed that the employment of the numberless workmen could be but for a portion of time; and on the cessation of their period of employment we might, particularly in the North, be subjected to terrific trials in consequence of these persons being thrown out of business. Tumult and disorder must be our portion. Such fears are entirely baseless.

The excited imagination of a few weak minds, and the prejudices of others, have given rise to the outcry of a rising of the working classes, rushing with demoniac fury upon the settled institutions of the country; overturning every well-settled order, and on the ruins of society rearing the standard of destruction and anarchy. They hold forth to us the terrors of agrarian law. From whom are these attacks to be made? By whom are these immense engines, which are to overturn society from its deepest foundation, to be worked? By our laboring classes? Let me inform those by whom these remarks are made, that they of whom they speak have too deep an interest in the prosperity of the country to seek to injure its character. Amongst them is always to be found that patriotism which sees the prosperity of the whole country intimately connected with individual prosperity. Amongst them is found that ever-abiding love of liberty, that devotion to the institutions of the country, that spirit which holds an obedience to the laws the first duty of a freeman; in a word, all those qualities which unite the members of society, and give to it its strength and promotes its harmonious action. Tell me not of the annihilation of Governments by the influence of such men. Tell me not of Rome destroyed by the recipients of the famous agrarian law. Look back along the line of time, at every step of which monuments of empires fallen are before you, and where truth throws the light of her eternal lamp amidst the tombs of these desolated worlds, and inquire whether it was by the hands of the humble these mighty fabrics were destroyed. Shall I here summon the patrician Catiline, anxious for revolution, and jealous of the advancement of the son of the humble citizen of Arpinum to the consulate? Let Rome, even at the days of the Gracchi, come forth and answer. When did her liberty depart? Was it not lost when the patrician had trampled the plebeian power under foot; when the great mass was deprived of its influence? Yes, sir; then was crushed the giant power of the city. To us, however, those periods hold forth no example. We live in different times. We live in a country where the interest of every man is linked with the institutions under which he lives; and the fears which are generated on this point must arise in only the minds of those who are ignorant of the state of our society, and the solid and substantial elements of which it is composed.

It is insisted that these expenditures, if made, should be made out of the revenues arising out of years to come; that a long time will be required to carry out these projects, and we ought to calculate on our revenues to defray the expenses of these undertakings. Why ought we to depend upon the future? We have on hand a certain amount of funds—not a surplus over and above all the appropriations necessary to carry on the Government, as has been represented, but a sum of thirty-one millions in bank, subject to all the appropriations which may be made during this session. We have during the year an unexampled torrent pouring into the public coffers; but as well might we expect that the swollen streams which are now seen rushing from your mountains to the ocean would continue throughout a burning summer, as to expect that these streams of wealth will continue to overflow your Treasury. From whence do we derive our revenue? Chiefly from the sale of the public lands and customs. The amount derived from the late sales of the public domain has been entirely unprecedented. On reference to the sales which have been made for the last twenty years, it will be seen that the amount received during the last year far outstrips, by many millions, any single year of that period. There have been points of time at which great sales have been made; but, nevertheless, the last year is immensely beyond them. We have seen the receipts of 1834, amounting to upwards of four millions, suddenly rising, in 1835, to near fifteen millions. Can this state of things continue? Have we not reason to suppose that these purchases are entirely in advance of the natural increase of population—in advance of immigration into the new sections of the country? Have we not a right to calculate that the spirit of speculation to which we may attribute this demand will soon have lost its vigor and expended its influence? The late returns show a falling off. Yes, sir, the gentleman from Tennessee himself admits that we have reason to calculate on a falling off of the revenue on this point. Next turn to your customs, upon which you have mainly depended. Under your present tariff regulations, reductions at stated periods must be made; and in 1842 it is estimated that the revenue to be obtained from this quarter will not exceed nine millions. I am aware that it is difficult to make any calculations on the revenues of a country like this. Its rapidly increasing population, with its daily extending wants, baffles every conjecture. I am satisfied that the States, in surrendering these lands, never contemplated a return of the proceeds to their State treasuries. New York, first as she was to make the surrender of her domain for the general welfare and union of the States, would be the last to receive a portion of these proceeds while great national objects demanded its outlay. If the revenues of the country are beyond your requirements, it is tyrannical to draw money from your citizens merely to divide it again. There can be no legislation so sacred as to continue a system of raising money unnecessarily. If you collect an amount of money beyond your wants, revise the regulations by which you indirectly raise from the people your revenues. The remedy is plain and practicable.

We have been told at one time that the treasure of the people is now used for the purposes of corruption; at another, the insolvency of all the institutions in which public money is deposited is proclaimed. The cry of corruption is heard from one end of the country to the other. They arraign the Executive in relation to the public money. With Congress lies the responsibility; and if gentlemen are desirous to remove the difficulties which they see, in leaving the power in the hands of the Executive, let them assist us to carry out the desire, which we have often expressed, to have legislation upon this subject. It is manifest that now an effort is made to disturb the country in its financial situation. An excitement is attempted to be raised.

Are we to listen once more to prophetic warnings? Are we to have the country alarmed on the safety of the public moneys, when the reports of the officer at the head of the Treasury show them to be guarded, so far as depends on him, by every security it is possible for prudence to insist upon? I hope we are not to have the panic scenes restored. But two years since the country was about to expire from exhaustion—now nothing

will save it but depletion. Why are these means put into operation? Why is an alarm to be sounded from point to point? Why, amidst a scene of universal prosperity, is the crash of our commercial credit, and ruin of our industrious citizens, to be at hand? The gentlemen bring to my mind the allusion which has been heretofore made in a different place, and on a different occasion, by a distinguished statesman, to the giant in the Arabian Nights. When the seal of the casket in which the giant was imprisoned was removed, he rose in colossal stature before the astonished beholder, but in a few moments dwindled down into his original size. It was again sealed up, and thrown into the sea. Some two years since the panic rose before us, striking for a time terror into the minds of the timid, but soon sunk into its original littleness. It was again encased, and the casket thrown, as we believed, into the sea of oblivion. We are disappointed. It now appears that some of its good friends have raked it up, and intend to make it perform its part once more before this community. I did suppose that experience would have convinced them that they cannot successfully attempt to awe this people by such means; that the machinery by which these excitements have been raised cannot be concealed from public observation.

If after we have made our regular appropriations, and discharged the demands which are justly chargeable against us, the duty which we owe to protect our fellow-citizens from the tomahawk of the savage, the prudence which, as statesmen, dictates preparation for war in a state of peace, and the injunctions imposed upon us by the constitution to dispose of the revenues of the country, so that we may promote the common defence of the country, will all be fulfilled by pursuing the policy now proposed to us by the administration. The opposite policy is calculated to disturb the frame and spirit of our Government, to consolidate power in one centre; to corrupt our legislation; to disturb our financial concerns, and to entail upon us a system of indirect taxation. Whatever opinion may be entertained here, I am satisfied without these walls a large portion of our constituents would never solicit a distribution so long as the country remains in its present unprotected character. Never, sir, while you have not armories, arsenals, and fortifications; while your navy is wholly inadequate to the protection of your commerce—your relatives and friends exposed to the massacre of a hostile and barbarous foe.

I cannot admit the argument that the prosperity of the States must depend on the division of money to be made here. I cannot consent to see the States reduced to the condition of suppliants at the door of Congress. The prosperity of these immense sovereignties depends upon themselves. I turn to the East and to the North, and listen to the sound of their thousand looms, and see the swelling canvass of their vessels covering every sea. I turn to the South and West, and behold their luxuriant fields yielding their rich returns to the husbandman. At every point I observe the energy, activity, and industry of my countrymen, developing the resources of their several States; and feel satisfied that upon these means the States must depend to sustain them in a career which defies calculation. They will not stop to ask alms of the General Government; they will not be more avaricious than a Roman populace. Yes, sir, the overflowing granaries of the imperial city furnish us with a valuable lesson. The people of that city, when the suggestion was made to them to divide the revenues arising from the sale of the surplus corn, indignantly rejected the proposition. Are we to outstrip them in a career of this character?

It has been declared upon this floor that we are rapidly approaching an important crisis; and we can be saved alone by the exertions of two distinguished forms which have for years past appeared before the country. We are hurried on in a course which leads to a yawning gulf; and to these two lights of the age must we look for assistance. We are called upon to follow the light of the twin stars which now are seen shining together, and who never could have presented a favorable omen except when separated, particularly to the gentleman from South Carolina, [Mr. THOMPSON,] and those who navigate with the same guide the boisterous sea of politics. I leave to him the task of explaining the change of opinion which can induce men to see in the present conjunction these favorable auspices; in the union of men widely differing in policy, one pursuing a course in which the other saw the annihilation of the happiness and prosperity of the country. I wish to learn by what mighty magic these laborers are now to be united for the common good of the whole country. Why this wonderful co-operation with the same view? For myself, I cannot acquiesce in the doctrine that the country must depend for its safety upon the adoption of the project of either the one or the other. I am aware that the idea of distributing millions amongst the States is industriously circulated. I am aware that the people of this country are appealed to by every consideration of pecuniary interest, with a view of arousing their feelings in favor of the division of the revenues of the country; and that one political party is anxiously striving to obtain power, by presenting this issue to the community. It is but the repetition of the means always resorted to by one of our great political divisions. From the earliest formation of the Government down to the present day, one section has endeavored to rally the people under its banner, by appeals to their interest, the other by appeals to their patriotism; and let me assure those who now hope to grasp the sceptre of power, that they will never succeed in their efforts by the means which they now employ. The people of this country will never consent to make the General Government the grand reservoir into which the public treasure must flow, thence to be poured into the several States. It was never formed for such purpose; it never could have been intended to collect more revenue than would carry on the operations of your Government. When the people are bound to the Union by no other ligament than that of interest, by the amount of public revenue derived from the general Treasury, a period of corruption will be at hand, which must be the precursor of the annihilation of republican principles, and the closing of one of the most brilliant eras which has illuminated the history of mankind.

Time as well as means will be required for the task which we propose to execute. France required fifty years to fortify her territory. Although our system will not demand any portion of time like this, still years will be necessary to accomplish our objects. The danger which we have passed should teach us to prepare for the future. We ought to seize upon the opportunity now offered to us. It is when we have time and money that we should be preparing our panoply of defence. It is not when the enemy may be at our Capitol that we should be arming. It is not when the sky is lowering, perhaps when the hurricane is sweeping over the land, that we should be preparing to resist its terrible and desolating effects. It is in vain that we pursue a policy as a nation not calculated to interfere with the other nations of the world. The ambition and the interests of the rulers have left these lessons upon the page of history, and ought not to be overlooked by us. Our advancing power daily adds to our exposure. Not only near at hand, but at the distance, we can gather signs which ought to excite our attention. It has been remarked that the time cannot be far distant when we may witness a struggle between the liberal and despotic nations of the old world. At this very moment in every

European Government the legions of power may be said to be under arms. If the struggle should take place, the war will not only be a war of opinion between the several States, but one bursting forth in every empire. It will be the contest of the many, conscious of their rights, and warring in the majesty of those rights against despotism armed, as it always is, with gigantic strength. Not only will it be a war between the liberal and oppressive Governments, but one in which every empire will be made the theatre on which must be displayed the development of principles, the successful operation of which have been before the world for half a century. The civilized world is conscious of a change. A novel and resistless influence, without the insignia of imperial pomp, without the paraphernalia of power, is pervading the earth. Before its triumphant march the vestiges of ancient rule are effaced. Systems around which antiquity had thrown its robe of sanctity, and defended as they had been by an array of power, all yield to its assault. To this country it points for the most brilliant evidences of its triumphs. It points to the happiness of millions—the dignity and peace of the land. Does it become us to expose ourselves at such an hour, when to destroy the example which is here must be the anxious wish of those who are opposed to the principles on which our Government is founded? Ought we not to place ourselves in a situation which will convince the world that, whatever contests may arise, we are prepared, at all times, for any state of circumstances; that we are ready to defend our rights and to maintain our dignity? This can alone be done by placing the nation in a proper state of defence. For one, I am desirous that, whenever it may become necessary for my country to descend into the arena of nations, it shall not be the unarmed and naked gladiator, but it shall be "cuirassed and helmed," armed at every point, and prepared for any struggle.

The question of national defence is one which interests every section. The appropriations which we may make cannot be considered as local, for the shield which the Government ought to present must protect all. The supply of arms and men for our inland frontier is considered by the Atlantic States as important to them as to our brethren on the borders. The navy which protects your commerce, covers with its power not only the property of the inhabitants of the seaboard, but of your farmers of the interior. The children of the bold and enterprising West well know that the barriers erected on your coast give security to industry. They give them protection from inroad and desolation; and hold out to them a prospect that, while the storm may be raging at a distant point, a calm of peace will be beaming upon them.

On a proposition of this character, I start with horror at the argument deduced from geographical situation. I cannot consent to view appropriations for defence as local. It is not a question in which one section is to be arrayed against the other; that feelings are to be infused into our deliberations, calculated to sever the bonds of attachment. What necessity can there be to appeal to sectional interests? Why shall we draw distinctions between the North and the South, the East and the West? To promote the security of our institutions, to preserve the integrity of the Union, should be the highest ambition of every American statesman. And these results can alone be accomplished by an exercise of that reverence for that Union, which gives tranquillity and prosperity to us at home, and national character abroad; by a display of that patriotism which casts its view beyond the limits of a State or section, over the whole confederacy. By the annihilation of those jealousies, nurtured in sectional feeling, which, if permitted to flourish, must blast the affections of one part of the nation for the other, we can alone preserve unimpaired the blood-bought triumphs of the Revolution, and discharge the debt which we owe to the cause of popular freedom.

The question of defence belongs to the whole of the confederacy. Upon this we should be as one people. What higher duty can we be called upon to perform, than to prepare defences for a country unpolluted by conquest? What more responsible trust could be assigned to us than to secure the treasures of the industry of our citizens, and to give to the nation the means of sustaining her in a career around which a dazzling effulgence is beaming? In such an hour we ought not to descend into the discussion of mere sordid considerations. In our hands is the great experiment of free principles, and we are responsible for the result. The eyes of the civilized world are upon us. The conqueror at the pyramids animated his legions with the appeal that, from the summit of those stupendous monuments, ages witnessed the struggle. Ought we not to consider that at the base of the mighty pyramid reared by your forefathers upon an arid waste of surrounding despotism, that monument intended by them to be coeval with time itself, we now stand, contending for principles containing the happiness of unborn millions? Let us remember that we are engaged in a contest demanding the exercise of every energy, if we desire to preserve those principles unblemished, and in their original integrity; if we seek to secure our republic, with its grandeur unbroken, and its power undiminished, from the desolation continually sweeping over the empires of the world.

When Mr. McKEON had concluded,

Mr. McCOMAS obtained the floor, and, on his motion, the committee rose.

The bill making appropriations for the naval service of the United States for the year 1836, returned from the Senate, with amendments, was taken up, on motion of Mr. CAMBRELENG, who remarked that, as the amendments contained some original propositions, it was necessary that they should be committed.

The amendments were read and ordered to be printed, and, with the bill, were referred to the Committee on Naval Affairs.

The House then adjourned.

FRIDAY, April 29.

The Hon. THOMAS T. WHITTLESEY, of Connecticut, elected to supply the vacancy occasioned by the death of the Hon. ZALMON WILDMAN, appeared, was qualified, and took his seat.

Mr. HUNTSMAN asked the consent of the House to submit the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be instructed to cause to be issued rations to such suffering families as are destitute of provisions, who have been driven by the casualties of war within the limits of the United States from the province of Texas, and who are remaining upon the borders thereof, where, in his opinion, he may think it prudent and necessary to prevent said families from absolute suffering.

Objection being made, Mr. HUNTSMAN moved to suspend the rule for the purpose of presenting the resolution, with a view to having it laid on the table and printed, intending to call it up next week.

Mr. RIPLEY asked for the yeas and nays on the motion to suspend the rules; which were not ordered.

The motion to suspend the rules was then negatived, without a count.

Mr. WILLIAMS, of Kentucky, asked the unanimous consent of the House to submit the following resolution:

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the expediency and propriety

of this Government acknowledging and recognising the independence of Texas.

Objection being made, Mr. WILLIAMS moved to suspend the rule for the purpose of offering the resolution; which was negatived.

Mr. HAWES asked the consent of the House to submit a resolution, proposing to set apart Wednesday next, from 12 to 1 o'clock, for the consideration of a resolution offered by him on the 7th of January, proposing an inquiry into the expediency of introducing a bill to reorganize the West Point Academy.

Objection being made, Mr. HAWES moved to suspend the rules for the purpose stated; which was not carried.

Mr. BELL, from the Committee on Indian Affairs, reported the following joint resolution:

A resolution to suspend the sale of a part of the public lands acquired by the treaty of Dancing Rabbit creek.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the public lands acquired by the treaty concluded with the Choctaw nation of Indians, at Dancing Rabbit creek, on the 28th day of September, 1830, as has been conditionally or otherwise located by the locating agent of the United States, to persons claiming reservations under the 14th article of said treaty, be withheld from public sale until the further order of Congress.

Mr. BELL adverted to the importance of the resolution, and the necessity for speedy action upon it. The resolution had received the unanimous assent of the committee, and there was a like unanimity as to the remedy which should ultimately be adopted. He moved that the resolution be considered at that time; which was agreed to.

After a word or two of explanation by Messrs. SEVIER and BELL, the resolution was read the second and third times, and passed.

WATERING PENNSYLVANIA AVENUE.

Mr. W. B. SHEPARD, from the Committee on the District of Columbia, reported the following resolution:

Resolved, That the Commissioner of Public Buildings be directed to have the dust scraped from the Pennsylvania avenue, between the Capitol and the President's square, and that part of the avenue watered during the session of Congress.

Mr. HAWES opposed the resolution. He considered it a new way of getting resolutions before the House, for a gentleman to attempt on one day to get in a resolution, and failing in that, on the next day to have it reported from a committee. He called for the yeas and nays on the passage of the resolution; which were not ordered.

Mr. HARPER did not think that the avenue could be kept watered, from the Capitol to the President's house, in warm, dry weather, by fifty men, and he considered the money would be completely thrown away.

Mr. PARKER said there was no provision for paying the expense to be incurred by the Commissioner of Public Buildings. If it involved an appropriation, it ought to be considered in committee; and if it was to come out of the contingent fund of the House, it ought to go to the committee which had charge of that subject. He was, however, opposed to the resolution.

Mr. W. B. SHEPARD said it was such a small matter that he should not have said a word, were it not to correct a mistake of the gentleman from Kentucky, [Mr. HAWES.] The resolution was not reported at the request of the gentleman who had offered a similar one on a former day. He was not in the hall at the time that resolution was proposed to be submitted; but the resolution had been reported in consequence of a suggestion from a number of members of the House to the Committee on the District. The same thing had been done a few years ago, and the expense only amounted to one hundred and forty dollars.

Mr. BOULDIN said he was a member of that committee, though recently put on it. He knew but little of the duties of the committee. He knew that the Pennsylvania avenue was made by Congress, and was a nuisance in summer, and not far short of it in winter, and he thought it ought to be remedied as far as well could be. He thought we might at least prevent the mischief while we were here, as we had contributed so much to raise the dust. Congress, no doubt, made it with the best of intentions, but the stone was bad, and the street was a nuisance, and we ought to remedy it as far as we well could.

Mr. DROMGOOLE wished to know whether it was competent for the House to instruct the Commissioner of Public Buildings to incur this expense.

Mr. W. B. SHEPARD read to the House the duties of the Commissioner of Public Buildings, and stated that the same thing had been required of the Commissioner heretofore, and he made no objection to doing it.

Mr. BOULDIN said he understood that the streets belonged to the United States, and the superintendent had the management of the whole.

Mr. LANE said the United States had exclusive jurisdiction over this subject. They had put the avenue in a situation very uncomfortable to the officers of the Government as well as citizens to travel upon, and it was almost impossible to pass it in a windy, dry day. The dust was considered injurious to the lungs and to the eyes; and, as the street belonged to the Government, he considered they ought to have it cleared of dust.

Mr. BOON said, if this was a nuisance created by Congress, they ought to extend the removing of it beyond the sitting of Congress, and not have it merely for the benefit of members during the session.

Mr. BOULDIN said that if the gentleman thought the dust ought to be kept out the whole year, perhaps he was right. We found it difficult to get it done for the time we were here. If this House, without the Senate, could not appropriate the money, let the resolution be joint.

Mr. PARKER moved to lay the resolution on the table, and on that motion called for the yeas and nays; which were not ordered.

The question was then taken on the motion to lay the resolution on the table; which motion was disagreed to.

Mr. MANN said when the avenue was cleaned a few years ago, the top was only scraped off, and gentlemen had as much dust blowing in their eyes afterwards as they had before. He thought, if it was to be cleaned at all, it ought to be swept, so as to remove the dust entirely.

Mr. BOON moved an amendment, as follows: "that the watering should be continued during the dusty season."

The question was then taken on Mr. BOON's amendment; which was disagreed to.

After some further remarks by Mr. HAWES, in opposition to the passage of the resolution, he moved to refer it to the Committee on Accounts.

Mr. LANE made some further remarks in support of the resolution, and Mr. HAWES in opposition thereto; when

Mr. VINTON called for the orders of the day.

The SPEAKER laid before the House the following message from the President of the United States, which was referred to the Joint Committee on the Library, and ordered to be printed:

WASHINGTON, *April* 29, 1836.

To the Senate and House of Representatives:

It affords me pleasure to transmit to Congress a copy

of the catalogue of the Arundel manuscripts in the British Museum, which has been forwarded to me, as will be perceived from the enclosed letter, on behalf of the trustees of that institution, for the purpose of being placed in the United States library.

ANDREW JACKSON.

Several bills were then taken up, read the third time, and passed.

The House then, with a view to allow the intervening time for cleaning, matting, and ventilating the hall, to suit the change of the season,

Adjourned to Tuesday next.

TUESDAY, MAY 3.

DEATH OF MR. RICHARD J. MANNING.

The House was called to order at 10 o'clock, A. M., pursuant to a resolution passed some days since.

After the journal of Friday had been read,

Mr. PINCKNEY rose and addressed the House to the following effect:

Mr. Speaker: Often as Death has already been amongst us this session, he has again entered within these walls, and taken another, and one of the most excellent members of this honorable body. Yes, sir, Death has again been amongst us; and it is in consequence of one of those sudden and awful dispensations of Divine Providence, to which, however painfully we may feel them, it is our duty to submit, that I now rise to announce to this House the decease of my late honored and lamented colleague, RICHARD J. MANNING. He left this city on Friday last, on a visit to Philadelphia, and died, as I am informed, at that place, on Sunday evening, of a hemorrhage, produced by the rupture of a blood vessel in his lungs. Surely, if ever there was an event which could teach us "what poor shadows we are, and what shadows we pursue," this is one which should impress that lesson deeply on our minds. But a few days ago he was here, in his place upon this floor, in the pride of intellect and vigor of manhood, mingling freely with his fellow-members, partaking the cares and honors of legislation, and discharging the high duties of a representative of the people in the councils of the nation. Now he is numbered with the silent dead. I know that it is customary, upon occasions of this kind, to deliver eulogies upon the characters of departed members. But I shall make no such attempt upon the present occasion. I could not do justice to such a character as his. To say that he was a man of sound judgment and extensive information—a gentleman, in the strictest signification of the term—a man of sterling honor and integrity—a devoted husband and most tender parent—pure and irreproachable in all the relations of life—all this is true, perfectly true, and yet it conveys but a poor idea of the beautiful cluster of noble and estimable qualities that were concentrated in him. He was more than all this. He was, emphatically, a patriot, who discharged all his duties to his country with ardor and fidelity; and he was a sincere and consistent Christian, who adorned the doctrine of his Lord and Saviour. He died, like a patriot, in the service of his country; and his life as a Christian assures me that he is now reposing in the bosom of his God.

As an evidence of the high estimation in which he was held by the people of his native State, it will suffice to observe that he was repeatedly elected to the Legislature of South Carolina, once unanimously chosen Governor of that State, and twice elevated to a seat in Congress. In times of the bitterest party contention in South Carolina, he retained the unqualified respect of his political opponents, nor do I believe he had a personal enemy. But all his talents, all his virtues, all his noble qualities of head and heart, could not save him from the grasp of the destroyer. He is gone—gone from me, whom he honored with his friendship—gone from this House, which he adorned by his virtues. His place here will know him no more. He cannot listen to the poor tribute I throw upon his tomb. He cannot witness the deep and respectful sympathy manifested by this honorable body. No, sir, he is gone; and all that we can do is, to lament his loss, and imitate his virtues, and pay to his memory the unavailable honors of the dead.

I now beg leave to offer the following resolutions for adoption by the House:

1. *Resolved, unanimously*, That this House has received with deep regret the melancholy intelligence of the death of the Hon. RICHARD J. MANNING, a Representative from the State of South Carolina.

2. *Resolved, unanimously*, That this House tender the expression of their sympathy to the relatives of the deceased, upon this mournful event; and, in testimony of regret for his loss and respect for his memory, the members will wear crape on the left arm for thirty days.

The resolutions having been unanimously adopted,

Mr. PINCKNEY moved that a message be sent to the Senate, informing that body of the death of the Hon. RICHARD J. MANNING.

The SPEAKER said that such a message would be sent to the Senate as a matter of course.

On motion of Mr. PINCKNEY,

The House then adjourned.

WEDNESDAY, MAY 4.

WATERING PENNSYLVANIA AVENUE.

The House resumed the consideration of the following resolution, reported on Friday by Mr. SHEPARD, from the Committee on the District of Columbia.

"*Resolved*, That the Commissioner of Public Buildings be directed to have the dust scraped from the Pennsylvania avenue, between the Capitol and the President's square, and that part of the avenue watered during the session of Congress."

Mr. CONNOR asked for the yeas and nays on the adoption of the resolution, and upon ascertaining whether they were ordered, it appeared that only seventy-two members were in attendance.

There being no quorum, Mr. HIESTER moved a call of the House, upon which motion Mr. BRIGGS asked for the yeas and nays; which were ordered, and were: Yeas 90, nays 27.

The Clerk commenced the call, when Mr. ALLAN, of Kentucky, moved that all further proceedings under the call be suspended; which was agreed to.

The House then refused to order the yeas and nays on the foregoing resolution.

The question being on the adoption of the resolution,

Mr. PARKER was opposed to the resolution, on the ground that it involved an appropriation of money, which he contended they had no right to make in a resolution of this kind. This avenue had been pronounced a nuisance by some gentlemen. If so, he thought it strange that a proposition should now be before the House for continuing this nuisance to Georgetown. He recollected a resolution of this kind had been brought before the House at a former session, and negatived. Afterwards, however, he had observed that the Commissioner of Public Buildings was engaged in removing the dust; and, on inquiry, Mr. P. had discovered that it was to be done by a subscription of citizens residing on the avenue, with the understanding that if Congress should appropriate money to defray the expense, their subscription was to be refunded. He thought it was poor encouragement for them to make appropriations for the benefit of the city, if they were to be told afterwards that those appropriations only created nuisances.

Mr. BOULDIN advocated the adoption of the resolution. He had spoken of the avenue as a nuisance simply in this sense, that it raised a dust of a peculiarly distressing nature, and in great quantities, and it was complained of by a large number of the members of the House. He said they had a bill before the House providing for a continuance of the avenue to Georgetown, but not such an one as was already made. If the gentleman from New Jersey thought that the resolution ought to be joint, and would move so to amend it, he would give it his support; but he thought the appropriation was a small matter, and ought to pass.

Mr. HARDIN had made a measurement of the avenue, and stated that it could not be watered for one hundred dollars per day. He said the avenue originally had cost much more than it ought to have cost, and he believed it was always the way, that Uncle Sam paid more for his work than other persons. He contended that watering and scraping was impracticable, and hoped the resolution would not pass. The avenue had been made of soft stone, when there was good hard metal to be had in the neighborhood of the city; and he would vote for a proposition to put a coat of hard metal over the avenue, which would prevent the rising of the dust in future. He felt the bad effects of the dust as much as any gentleman, and was willing to vote for curing it effectually, which could be done for about fifteen thousand dollars; but he could not vote for a resolution like the present.

Mr. BRIGGS hoped the House would dispose of this resolution, and not take up the time of the House by discussing a proposition so unimportant. The debate on this resolution had already cost the country more than six hundred dollars, when the scraping of the avenue could not have cost more than three hundred and fifty dollars. The gentleman from New Jersey, who had such nice notions of economy, had made a speech on this proposition which had cost a hundred dollars. Some gentlemen were in the habit, whenever they rose to say any thing in relation to matters of the District, to say something against the people of the District. He had, however, understood that the resolution was reported at the suggestions of members of the House, and not of the citizens of Washington. He would not take up further time of the House, but hoped they would speedily dispose of the subject.

Mr. ROBERTSON moved to lay the resolution on the table.

Mr. HAWES asked for the yeas and nays; which were ordered; when

The motion to lay the resolution on the table was decided in the affirmative: Yeas 88, nays 84.

On motion of Mr. THOMAS, the House proceeded to the consideration of the orders of the day.

CUMBERLAND ROAD.

The bill from the Senate, entitled "An act amendatory of the act for the continuation of the Cumberland road," was read a third time; and the question being on its passage,

Some debate took place, in which Messrs. MASON, of Ohio, and CRANE, took part.

The hour of one o'clock having arrived, the special order was announced.

ARMY APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, and in further execution of the special order of the 26th of January last, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. MASON, of Virginia, in the chair,) and took up the "bill making appropriations for the support of the army for the year 1836."

There were two motions pending, the first by Mr. CAMBRELENG, to amend the bill in the following clause: "For the armament of fortifications, $200,000," by striking out this sum, and inserting $1,224,301.

The other motion was the following amendment, submitted by Mr. MERCER: Strike out the whole clause, and insert, "For the purchase or construction of a foundry for ordnance at such place as the Secretary of War, with the approbation of the President of the United States, may select, and for defraying the expenses of conducting the operations of such foundry for one year, including the purchase of necessary tools and materials, the sum of —— hundred thousand dollars; and that the further sum of —— hundred thousand dollars be appropriated to the purchase of ordnance for immediate use."

Mr. McCOMAS was entitled to the floor.

Mr. CAMBRELENG rose and stated that, in consequence of the intelligence recently received from the South, and the heavy drafts required in that quarter, it became indispensably necessary that this bill should be acted on as promptly as possible. With that view, after the gentleman from Virginia [Mr. McCOMAS] should conclude, Mr. C. would withdraw the proposition then pending, and introduce it into the fortification bill, which would be the next bill taken up. There were now no funds remaining for subsistence, and none for the quartermaster general's department, although the drafts from the South were very heavy for both these purposes. He hoped, therefore, that the army bill, containing the ordinary appropriations, with some unimportant amendments, the amendments to the navy bill, would be passed that day, as to-morrow and next day were set apart for the consideration of business relating to the District of Columbia, with which he had no wish to interfere.

Mr. McCOMAS then, in consquence of the statement of the gentleman from New York, waived his right to address the committee.

Mr. CAMBRELENG then withdrew his amendment.

Some conversation then took place between the CHAIR, Mr. BELL, and Mr. CAMBRELENG, as to whether the amendment proposed by Mr. MERCER fell as a matter of course, or was then pending.

The question was put, and the amendment was negatived, without a count.

The bill was then taken up by sections.

Mr. HAWES inquired if the first section of this bill included appropriations for the support of the West Point Academy.

Mr. CAMBRELENG replied that it provided not a cent for that institution, further than the pay of such officers of the army as were stationed at West Point.

Mr. CAMBRELENG moved to increase the clause "for subsistence, exclusive of that of officers," from $370,400, to $495,400. In explanation of the amendment, Mr. C. sent to the Clerk's table a communication from the commissary general of subsistence.

The amendment was then agreed to.

Mr. HARDIN moved to strike out the following clause: "For the payment of the taxes for 1835, assessed by the State of Pennsylvania on the United States arsenal on the Schuylkill river, $725;" which motion, after some remarks from Messrs. INGERSOLL, HARDIN, HARPER, and CAMBRELENG, was agreed to.

Mr. MANN, of New York, moved to strike out "&c. &c.," in the clause for clothing, remarking that such words were clearly unconstitutional, or at least irregular.

Mr. CAMBRELENG remarked that they were not in the original bill, and they must have been inserted by the Clerk or the printer. The motion was agreed to.

Mr. CAMBRELENG moved to insert the following words after the 44th line: "For extra clerks in the offices of the quartermasters and assistants at posts where their duties could not be performed without such aid." Mr. C. referred to a communication from the quarter-

master general on the subject, and further explained that these clerks were only occasionally required at distant posts, to keep an account of the supplies and transmissions from one point to another.

The amendment was then agreed to.

Mr. CAMBRELENG then moved an addition of $4,000 to the clause, to meet this object; which was also agreed to.

Mr. SEVIER moved to strike out the following clause: "For barracks, quarters, store-houses, hospitals, defences, &c., at or in the vicinity of Fort Gibson, in the Territory of Arkansas, $50,000," and insert the following: "For enabling the Secretary of War, under the direction of the President of the United States, to remove the troops from Fort Gibson to some eligible point on the Arkansas river, on or near the western frontier line of Arkansas, and to cause a fort to be erected upon the point so selected for the accommodation of the troops of the United States, and for the better defence of the Arkansas frontier, the sum of $50,000." Mr. S. explained that this amendment was substantially the same as a bill that had been reported from the Military Committee.

Mr. GARLAND, of Louisiana, was glad the gentleman had introduced this proposition, for the returns of the army would show the mortality to be greater at this point than at any other. He would suggest to the gentleman to omit the indication of the site, and leave it to the discretion of the War Department.

Mr. SEVIER had no particular objection to the modification, though he preferred the proposition as it stood.

Mr. CAMBRELENG suggested that it would be better to strike out the appropriation, and introduce it in the fortification bill.

The amendment was briefly discussed by Messrs. R. M. JOHNSON, HARDIN, CAMBRELENG, WARD, CARTER, SEVIER, GARLAND of Louisiana, and ADAMS.

Mr. CAMBRELENG said, after the explanations he had heard, he should withdraw his opposition to the amendment.

Mr. THOMSON, of Ohio, thought that, if the amendment was agreed to, the appropriation should be increased, and he moved to substitute $100,000 for $50,000. Lost.

The propriety of agreeing to the amendment was further discussed by Messrs. SEVIER, WILLIAMS of North Carolina, ADAMS, R. M. JOHNSON, CAMBRELENG, and PARKER; when

Mr. HOWARD moved to strike out $50,000, and insert $75,000; but subsequently withdrew it, and the subject was further debated by Messrs. RIPLEY, CAMBRELENG, and PARKER, when the amendment was agreed to.

Mr. CAMBRELENG moved to strike out the following clause: "For barracks, quarters, store-houses, hospital, defences, &c., at Fort Armstrong, in the State of Illinois, or on such point on the river Des Moines as may be selected under the orders of the Secretary of War, $20,000." Agreed to.

Mr. CAMBRELENG moved to reduce the item "for contingencies of the army," from $10,000 to $3,000. Agreed to.

The other clauses of the bill were then agreed to, and the bill was laid aside.

NAVAL SERVICE.

On motion of Mr. CAMBRELENG, the committee took up the amendments of the Senate to the bill making appropriations for the naval service for the year 1836.

The bill originally passed the House, was returned from the Senate with various amendments, and reported by the Committee on Naval Affairs, recommending certain amendments to the Senate's amendments.

The first clause, as originally passed, was as follows: "For pay of commissioned, warrant, and petty officers, and of seamen, $1,974,178 91," which sum the Senate increased to $2,492,040 41, and the Naval Committee recommended a reduction of this sum to $2,318,017 16.

Mr. JARVIS made a brief explanation of the principle of increase in the navy adopted by the Senate, being one ship of war, two frigates, one sloop of war, and one schooner, &c. He was instructed to move to reduce the pay of officers and seamen of a sloop of war, because it was a class of vessels not known in our naval service, and one could not be built in time for equipment during the present year.

The amendment of the Senate was then disagreed to, and the amendment of Mr. JARVIS was agreed to.

The next clause was for provisions, $590,000, amended by the Senate, by increasing it to $798,597 50. The Committee on Naval Affairs recommended the sum of $782,263 75; which was agreed to; and the Senate's amendment, as amended, was then agreed to.

The next clause taken up was the following: "For repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission." The House had appropriated $950,000; the Senate had increased the item to $1,075,000.

Mr. JARVIS moved to amend the Senate's amendment, by reducing the appropriation to $1,065,000; which was agreed to; and the amendment, as amended, was concurred in.

Mr. JARVIS moved to non-concur in the following amendment of the Senate: "For building a dry-dock at Brooklyn, $180,050;" which motion was agreed to.

Mr. JARVIS moved to amend the following additional clause, inserted by the Senate: "For the purchase of sites, and the erection of barracks, near the navy yards at Charlestown, Brooklyn, Gosport, and Pensacola, $200,000," by striking out "Brooklyn," and reducing the appropriation to 150,000; which was agreed to; and the amendment of the Senate, as amended, was concurred in.

The following additional sections to the bill were inserted by the Senate:

"Sec. 2. *And be it further enacted*, That an exploring expedition to the Pacifi cocean and the South seas be, and the same is hereby, authorized and directed; and that the President of the United States be, and he is hereby, authorized to prepare and send out for that purpose a sloop of war, and to purchase or provide such other smaller vessels as may be necessary and proper to render the said expedition efficient and useful.

"Sec. 3. *And be it further enacted*, That the use of so much of the appropriations for the support of the navy, and of the means and facilities under the control of the Navy Department, as may be necessary and proper for that object, be, and the same is hereby, authorized; and, in addition thereto, the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated."

Mr. JARVIS moved to strike out all after the word "that," in the first line, and insert a substitute; which was read, as follows:

"The President of the United States be, and he hereby is, authorized, if in his opinion the public interest shall require, to send out a surveying and exploring expedition to the Pacific ocean and South seas; and for that purpose to employ a sloop of war, and to purchase or provide such other smaller vessels as may be necessary and proper to render the said expedition efficient and useful; and for this purpose the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated; and, in addition thereto, if ne-

cessary, the President of the United States is authorized to use other means in the control of the Navy Department, not exceeding one hundred and fifty thousand dollars, for the objects required."

Mr. HAWES moved that the committee rise; and, on taking the vote—there appearing ayes 57, noes 56, no quorum—the committee rose and reported that fact to the House.

The SPEAKER then resumed the chair, and a quorum being ascertained to be present, the House again went into committee.

The motion pending being that the committee rise, it was agreed to; and the committee then rose and reported the army appropriation bill to the House.

ARMY APPROPRIATIONS.

The bill making appropriations for the support of the army for the year 1836, reported from the Committee of the Whole, was then taken up, the amendments of the committee concurred in, and the bill ordered to be engrossed for a third reading now; having been engrossed, it was then read a third time and passed.

NAVY APPROPRIATIONS.

Mr. JARVIS asked the House to go into the Committee of the Whole on the state of the Union upon the navy bill, stating that the service would suffer materially by the longer delay of the ordinary appropriations.

Mr. VINTON moved that the House adjourn.

Mr. JARVIS asked the yeas and nays on that motion, and they were ordered.

The question being taken, the motion was lost: Yeas 59, nays 78.

Mr. JARVIS moved that the House resolve itself into a Committee of the Whole on the state of the Union on the bill making appropriations for the naval service of the United States for the year 1836; and the motion being put, a quorum did not vote.

Mr. WISE moved an adjournment; and the question being taken by tellers, there appeared: Ayes 62, noes 62—a tie.

The CHAIR voted in the negative; so the motion was lost.

The question being again taken on the motion that the House resolve itself into a Committee of the Whole on the state of the Union, it was taken by tellers, when there appeared: Ayes 77, noes 28—no quorum.

Mr. CRAMER moved a call of the House.

Mr. STORER moved an adjournment.

The motion being put, the tellers reported: Ayes 62, noes 53. So the motion was agreed to, and

The House adjourned.

THURSDAY, MAY 5

NAVY APPROPRIATION BILL.

Mr. CAMBRELENG adverted to the importance and necessity of acting speedily on the naval appropriation bill. This ordinary appropriation bill was usually passed in the month of January; and the naval service was now suffering on account of the delay in its passage. He hoped, therefore, that the morning hour would be devoted to disposing of this bill; otherwise it probably could not be taken up for several days to come. He accordingly asked the unanimous consent of the House to go into committee on this necessary measure.

Mr. GRAVES objected.

Mr. CAMBRELENG moved to suspend the rule for the morning hour, for the purpose stated.

The members in favor of suspending the rules having been requested to rise, the CHAIR decided that the motion was carried by a large majority.

Mr. GRAVES demanded a count, when there appeared: Ayes 85, noes 16.

No quorum voting, Mr. CAMBRELENG moved a call of the House, in case there should not be a quorum in the House.

Upon a count, it appeared that a quorum were in attendance.

Mr. GRAVES had objected because he had desired for the last two weeks to offer a resolution of inquiry.

Mr. CAMBRELENG would not object if the gentleman would propose his resolution at that time.

Mr. GRAVES asked the consent of the House to present his proposition, but it was objected to.

On motion of Mr. CAMBRELENG, the House then went into Committee of the Whole on the state of the Union, (Mr. MANN, of New York, in the chair,) and resumed the consideration of the remaining amendment of the Senate to the naval service bill, and the amendment of the Naval Committee of the House to the same.

The Senate's amendment was read, as follows:

"SEC. 2. *And be it further enacted*, That an exploring expedition to the Pacific ocean and the South seas be, and the same is hereby, authorized and directed; and that the President of the United States be, and he is hereby, authorized to prepare and send out for that purpose a sloop of war, and to purchase or provide such other smaller vessels as may be necessary and proper to render the said expedition efficient and useful."

"SEC. 3. *And be it further enacted*, That the use of so much of the appropriations for the support of the navy, and of the means and facilities under the control of the Navy Department, as may be necessary and proper for that object, be, and the same is hereby, authorized; and in addition thereto the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated."

The question pending was the following amendment, reported by Mr. JARVIS, from the Committee on Naval Affairs: to strike out all after the word "that," in the first line, and insert the following, as a substitute:

"The President of the United States be, and he hereby is, authorized, if in his opinion the public interest shall require, to send out a surveying and exploring expedition to the Pacific ocean and South seas; and for that purpose to employ a sloop of war, and to purchase or provide such other small vessels as may be necessary and proper to render the said expedition efficient and useful; and for this purpose the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated; and in addition thereto, if necessary, the President of the United States is authorized to use other means in the control of the Navy Department, not exceeding one hundred and fifty thousand dollars, for the objects required."

Mr. JARVIS, in a few words, explained the amendment to the amendment of the Senate, when it was agreed to; and, thus amended, it was adopted.

The committee then rose, and reported the bill to the House.

The House concurred with the Committee of the Whole in their disagreement to the amendment of the Senate, appropriating $180,000 for a dry dock at Brooklyn, New York.

The House also concurred with the Committee of the Whole, in reference to their action on the remainder of the amendments of the Senate, with the exception of the amendment in regard to a South sea expedition.

Upon the latter amendment, Mr. HAWES desired that a separate vote should be taken. He hoped the whole proposition would be stricken out.

Mr. HAMER remarked that, before he could vote for this amendment, he wished to know from some of the members of the committee the reasons which had indu-

ced them to amend the Senate's amendment? If he understood the matter aright, the difference between the two propositions only amounted to this: that the Senate's amendment threw the responsibility where it ought to be, upon the Congress of the United States whilst the amendment of the Committee on Naval Affairs of the House threw the responsibility upon the President. He thought it would be very well if each department of the Government would act upon its own responsibility in this matter. He thought the House as well calculated to judge of the expediency and propriety of sending out the expedition as the President of the United States; and, if so, why, take the responsibility, as the Senate had done. He was not willing to acknowledge himself to be, strictly speaking, such a collar man as to give to the President every such discretion. If it was expedient, and the public interest required this expedition, let the House act upon its responsibility as the Senate had done. He could not vote for the amendment unless some reason could be given to justify it.

Mr. JARVIS did not think himself any more of a collar man than the gentleman from Ohio. The reason why the committee had proposed an amendment, leaving it discretionary with the President to send out the expedition or not, was because they had not time to investigate the matter themselves; and he doubted very much whether the House had the time to examine the subject as it ought to be examined. The committee conceived that all they could do would be to give an opinion that it might be expedient, and leave it to those who had time to examine the subject to ascertain whether it was expedient or not; and if, in the opinion of the President, after examination, it should be found to be expedient, then it would be for him to carry it into effect. If the committee had had time to examine the question, it would have been quite a different thing; and he submitted it to the members of the House whether they had time to give the subject due examination. He would, therefore, vote to refer it to the President or executive departments to examine; but, under the circumstances, he was not willing to vote for the expedition in any other manner, as it appeared to him to be leaving the matter where it ought to be.

Mr. HAWES observed that what he had to say might as well be said at the present as at any other stage of the bill. Some time ago, he said, a proposition was made and carried, to permit a certain gentleman to deliver lectures to the representatives of the people, upon the subject of a South sea expedition. He was opposed to granting the privilege to that gentleman, or any body else, because he was fully apprized of the fact that the object of it was to operate upon that House and the other branch of Congress. He knew that a proposition would be brought before Congress to expend a large sum of money to further this gentleman's object. It appeared to him that they had arrived at a time, that no matter what chimerical opinions were taken up by any gentleman, if he could only get an opportunity to address the representatives of the people, they would enter into all the chimerical notions of the gentleman who might address them. It was true that they had in the Treasury a vast amount of money; but if it was there, it had been wrested from the hands of the people of the United States; and he was not willing that it should be expended in every chimerical and hairbrained notion that entered the head of any individual in the country. He remembered the time when his friend from Massachusetts, [Mr. ADAMS,] in one of his messages to the Congress of the United States, spoke of establishing lighthouses in the skies. That message went to the West; and he would tell the gentleman now, that if it had not been for that notion, he would have received the votes of the Western States for a second term of the presidency. That notion played directly into the hands of his opponents, and they hopped upon it, to use a homely phrase, like a duck on a June-bug; and thousands and thousands of votes were lost to the gentleman on that ground alone. They had argued that here was a gentleman, who was President of the United States, that wished to reach heaven by other means than by faith, or, in other words, to erect a ladder to the happy place. He had himself a hundred times addressed the people in relation to that very proposition of the gentleman from Massachusetts; and he was happy to say that hundreds and hundreds of the people of the Western country had turned against the gentleman from Massachusetts on that very ground; and perhaps the gentleman had lost his election to a second term of the presidency on account of this very notion. But the times had changed; and what was the proposition that they were blessed with in these days of plenty and prosperity? It was to take the vessels and seamen of the United States, and send them to the South seas, exposing them to all the diseases, hurricanes, and mishaps of that climate; and for what? For nothing on the face of the earth. The proposition was a hundred times more monstrous than the one which had lost one hundred thousand votes to the gentleman from Massachusetts. If, in an appropriation like the present, any gentleman was to introduce a clause for the benefit of his constituents, he would be told that he had no right to make such amendment. The present proposition was one of a new character, and he thought gentlemen ought to pursue the usual manner of proceeding in those bills, as it was well known that the appropriations for the navy must pass.

Mr. PATTON rose to express his gratification at the inquiries which had been made by the gentleman from Ohio, [Mr. HAMER.] He was glad that gentleman had made the objection, especially as it would leave the objection free from all possibility of a charge that, while he was a decided party man, he was not a collar man. The principle of his objection was a most important one. It was exceedingly important that the Legislature of the country should not devolve upon the Executive any duty which appropriately belonged to the legislative department itself. What was it proposed to do by this amendment introduced into this bill? It was to authorize a general voyage of exploration and discovery. For what purpose? For the improvement of science, or the discovery of unknown regions, to be taken possession of and colonized by us? Without entering into a discussion of the propriety or right of the Government to send out this expedition, still he might be allowed to say that there was some doubt of the propriety of entering upon such a scheme; but if there even was an authority for entering into such a scheme, it belonged to the legislative department of the Government; and it ought to be determined upon entirely by the legislative department of the Government. They ought to satisfy themselves of the propriety of entering upon this scheme; and instead of throwing the responsibility on the President, they ought to take it themselves. He was entirely opposed to shifting the legislative functions upon the shoulders of the executive departments. Why was it that this duty was intrusted to the President; and why was the Executive called upon to determine whether the expedition should be formed or not? Why, because the Legislature, if he understood the gentleman from Maine aright, were not in possession of facts which would justify them in authorizing the expedition. They had not the means of deciding whether the expedition ought to be undertaken or not; and, because they had not the information necessary for them to decide, they were called upon to appropriate a large sum of money, and to authorize another large sum to be drawn from the funds of the Navy Department, provided the President should, in his dis-

cretion, think it necessary. He was opposed to the amendment, because of its shifting legislative duties upon the President of the United States, which did not and ought not to belong to him.

Mr. VINTON observed that he should certainly not be disposed to shift upon the Executive duties which did not belong to him; but he thought the amendment proposed by the Committee on Naval Affairs ought to prevail. What did that amendment propose? If he understood it, it was simply to authorize the President to send out an exploring expedition to the South seas, if he should deem it necessary. We have, said Mr. V., in those seas a vast commerce; four hundred ships engaged in the fisheries there, who were almost unknown to the rest of the world, and without maps and charts, in seas more perilous than any other; and when they were wrecked there, they were entirely lost to the world. The object of this proposition was to procure surveys of those seas, and better security to our commerce in those regions, which, if it could be done, would be a new source of wealth to the nation.

Now, what was this discretion left to the President, and how could it be abused? Was the discretion not to be left with the President, merely because it was a discretion? Did it confer office on any one? Then, how could it be abused? The President did every day the same thing that was proposed by this amendment. Before sending a fleet to the Mediterranean, or any other part of the globe, Congress authorized him to do the same kind of duty. The information could not be obtained by the House at the present session, and could only be procured from seamen engaged in that business; and they can inform the Executive of the charts and maps of those seas to be procured; and if it should turn out that there are maps and charts sufficient to enable them to navigate those seas with safety, and there was no necessity for such expedition, then of course there would be no occasion to expend there one hundred and fifty thousand dollars. But if, on the contrary, the President of the United States should be satisfied that there was a total want of those maps and charts, and if he should be satisfied that there were probably other sources of wealth in those regions, then let him order the expedition to be fitted out. We should also contribute our mite towards the advance of science; and, he believed, we had done less than any other portion of the globe. He did not, however, concur in the views of the gentleman from Kentucky [Mr. HAWES] in relation to the advancement of science.

Mr. MERCER could not vote for the amendment, because he could not agree with gentlemnn in relation to the discretion left the President. He questioned, too, whether the House had the right to direct the President in relation to this matter. Congress never had attempted to direct the President to send a force to any particular quarter, and he could not recognise their right to do it in this instance.

Mr. TOUCEY had thought he should not have heard a constitutional objection to the amendment proposed by the Committee on Naval Affairs. The amendment proposed to be introduced into this bill was a proposition authorizing the President of the United States, if, upon examination, he should not find it expedient to send out the expedition, to decline sending it out; and limiting the appropriation to one hundred and fifty thousand dollars. If there was any force in the remarks of the gentleman from Virginia, [Mr. PATTON,] it went to the whole proposition, and not to the amendment now under consideration. Surely, if Congress could authorize an expedition of this kind, which he had no doubt of, they could authorize the President, if the expedition ought not to be sent out, to refrain from sending it; thus leaving it in his power to send it or not, as the public interest required. He forbore to say any thing on this appropriation upon a subject which was not upon earth, as that was *toto cœlo* different from the present subject.

Mr. W. B. SHEPARD called for the orders of the day.

Mr. CAMBRELENG said, if the House would permit the navy bill to be finished on this day, he would on Monday ask the House to take up the District bills.

Mr. W. B. SHEPARD observed, that if the House was prepared to take the vote on the navy bill, he should throw no objection in the way.

Mr. PATTON said it was not at all a new thing to him, when he or any other gentleman made a constitutional objection to any particular measure, that it should be received with surprise. He knew this to be the case, and he regretted it. It was a fact deeply to be lamented that, to all practical purposes of legislation in this country, they were as perfectly unrestrained by the constitution as if that instrument had been thrown into the fire the day after it went into operation. With all deference to the gentleman from Connecticut, [Mr. TOUCEY,] it seemed to him that he could have shown himself off to much greater advantage if he had shown the committee whether the power existed to pass such a proposition. He did not suppose that his argument presented an insuperable objection to the proposition, but he thought gentlemen who supported it ought to show some authority to support the proposition.

Mr. W. B. SHEPARD said he felt it to be his duty to call for the orders of the day.

Mr. CAMBRELENG proposed that the House continue the consideration of the naval bill this day until disposed of, and that Saturday be set apart, in addition to Friday, for the consideration of business relating to the District.

The proposition was negatived.

Mr. CAMBRELENG then moved that the House continue the consideration of the naval bill this day. He would pledge himself to vote for taking up the District business on Monday.

Objection being made, Mr. CAMBRELENG moved to suspend the rule for the purpose stated; and as the drafts of the Department, in consequence of the dalay in the passage of this bill, were under protest, he asked for the yeas and nays on the motion; which were ordered.

Mr. MERCER moved to amend the motion by setting apart Monday, from 12 o'clock, for the consideration of District business.

Mr. GRAVES moved to amend the amendment by inserting one o'clock; lost.

The amendment of Mr. MERCER was then negatived.

The question was then taken on the motion of Mr. CAMBRELENG to suspend the rules for the purpose of proceeding with the consideration of the naval appropriation bill; which was decided in the negative: Yeas 114, nays 68, as follows:

YEAS—Messrs. Adams, Anthony, Ash, Bean, Beaumont, Bockee, Boon, Borden, Bovee, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chapman, J. F. H, Claiborne, Clark, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushing, Cushman, Denny, Dickerson, Doubleday, Dromgoole, Efner, Everett, Farlin, Forester, Fowler, French, Fry, William K. Fuller, James Garland, Rice Garland, Gillet, Glascock, Grantland, Joseph Hall, Hamer, Haynes, Henderson, Holsey, Hopkins, Howard, Hunt, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Kinnard, Lansing, Laporte, Lawler, Gideon Lee, Joshua Lee, Leonard, Lincoln, Logan, Loyall, Lyon, Abijah Mann, Job Mann, Martin, William Mason, Maury, McComas, McKay, McKean, McKim, McLene, Morgan, Muhlenberg, Owens, Page, Parker, Patton, F. Pierce, Phelps, John Rey-

nolds, Joseph Reynolds, Robertson, Rogers, Schenck, Seymour, Shinn, Sickles, Sprague, Sutherland, Taylor, John Thomson, Toucey, Turner, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Weeks, Elisha Whittlesey, Thomas T. Whittlesey, Sherrod Williams—114.

NAYS—Messrs. C. Allan, H. Allen, Ashley, Bailey, Bond, Bouldin, Briggs, Bunch, Campbell, Carter, G. Chambers, Childs, N. H. Claiborne, Corwin, Crane, Dunlap, Evans, Fairfield, P. C. Fuller, Granger, Graves, Grayson, Grennell, Griffin, Haley, H. Hall, Harlan, Harper, A. G. Harrison, Hawes, Hazeltine, Hiester, W. Jackson, Janes, Jenifer, H. Johnson, Judson, Lane, Lay, Lewis, Love, M. Mason, S. Mason, McCarty, McKennan, Mercer, Miller, Milligan, Morris, Patterson, Pettigrew, Phillips, Potts, Ripley, Russell, W. B. Shepard, A. H. Shepperd, Slade, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Underwood, Washington, Webster, L. Williams—68.

DISTRICT OF COLUMBIA.

The House then, pursuant to previous order, setting apart this day and to-morrow for the consideration of business in relation to the District of Columbia, went into Committee of the Whole (Mr. WARD in the chair) on the following bill, entitled

"An act for the relief of the several corporate cities of the District of Columbia.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to assume, on behalf of the United states, and discharge to the holders of the evidences of debt contracted and entered into between the cities of Washington, Alexandria, and Georgetown, and certain individuals in Holland, negotiated by Richard Rush, Esquire, on behalf of said corporate bodies, the entire obligation of paying said debts, with the accruing interest thereon, according to the terms of said contract; and that the Secretary of the Treasury be directed and authorized to pay, out of any moneys in the Treasury not otherwise appropriated, to the corporate authorities of the city of Washington, the sum of four hundred and forty-nine thousand six hundred and fifty dollars and eight cents; to the corporate authorities of the city of Alexandria, the sum of one hundred and fourteen thousand six hundred and forty dollars and forty-four cents; and to the corporate authorities of the city of Georgetown, the sum of one hundred and sixteen thousand seven hundred and ninety-five dollars and forty-eight cents; in full of all such sum or sums as have been paid by the said corporations, respectively, in the shape of interest, exchanges, costs, and expenses incurred by the terms of said contract of loan, or in and about the negotiation therefor.

"SEC. 2. *And be it further enacted*, That before the said Secretary of the Treasury shall execute the duties prescribed by the first section of this act, the said corporate authorities of said cities shall deposite the said stock, held by them in the Chesapeake and Ohio Canal Company, in the hands of the Secretary of the Treasury, with competent and proper instruments and conveyances in law, to vest the same in the said Secretary of the Treasury and his successors in office, for and on behalf of the United States, to be held in trust to receive the dividends on: *Provided, always*, That if the said corporate authorities of said cities shall, within ten years after the passage of this act, repay to the United States the amount which shall be paid under and by virtue of this act, for and on behalf of the said corporate authorities, respectively, the Secretary of the Treasury for the time being shall thereupon transfer and deliver up the said stock to the said corporate authorities so repaying the said sums to the United States."

Mr. PARKER moved to strike out the first section of the bill, and insert what follows:

"*Be it enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to assume, in behalf of the United States, a debt of $1,000,000 due by the corporation of Washington, a debt of $250,000 due by the corporation of Alexandria, and a debt of $250,000 due by the corporation of Georgetown, which debts were contracted by the said corporations, respectively, to pay their subscriptions to the stock of the Chesapeake and Ohio Canal Company, under the authority of the act entitled "An act to enlarge the powers of the several corporations of the District of Columbia, and for other purposes," approved May 24, 1828, the interest on which debts shall hereafter be paid by the United States in half yearly payments at the Treasury.

"*And be it enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to purchase the funded debt of any one or more of the United States, bearing an interest of not less than five per cent. per annum, to the amount of $1,500,000, to be held by the United States in trust, to receive the dividends of interest accruing and to accrue thereon from time to time, and to apply the same to the payment of the interest accruing and to become due on the debt of the several corporations aforesaid, the payment of which is hereby assumed.

"*And be it enacted*, That when the whole or any part of the principal sum of the debts of the said corporations hereby assumed shall become due and payable, it shall be the duty of the Treasurer, and he is hereby authorized, to sell so much of the stock of the States, purchased by the United States under the provisions of this act, as may be equal to the amount of the debt of the said corporations then due and payable, and to apply the necessary amount arising from such sale to the payment and final discharge of the debt aforesaid."

Mr. PARKER also moved to add the following, after the second section of the bill:

"*And be it enacted*, That all the buildings, lots, and parts of lots, owned by the United States in the city of Washington, now remaining unsold, and not granted by any act of Congress, be, and the same are hereby, declared to be held in trust for the benefit of the city of Washington, to be sold and disposed of at such times and in such parcels or quantities as the corporate authorities of the said city shall direct; the money arising from such sale to be applied solely to the discharge of the principal of such of the debts of the said city now existing as are not provided for by this act; and all sales of the said lots, or any part thereof, shall be at public sale, and to the highest bidder, and sixty days' notice of the time and place of sale shall be given, in two or more of the public newspapers printed in the city of Washington; and any person purchasing shall be allowed, at his or her option, to pay for the same in money, or in any debt of the said city now existing, to the payment of which the money, if paid, is herein directed to be applied.

"*And be it enacted*, That, upon notice of any sale of the said lots, and payment of the consideration as herein directed, the Commissioner of the Public Buildings shall convey to the purchaser or purchasers all lots and parts of lots so sold, and all the right, title, and interest of the United States, of, in, and to the same.

"*And be it enacted*, That the sum of ——— dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the payment of the interest now due and remaining unpaid upon the debts of the said corporations assumed by the first section of this act.

"*And be it enacted*, That the act entitled, 'An act to

enlarge the powers of the several corporations of the District of Columbia,' and for other purposes, approved May 24, 1828, be, and the same is hereby, repealed: *Provided*, That nothing herein contained shall be so construed as to annul or invalidate any act or proceeding had or done in virtue thereof."

Mr. P. stated that he was friendly to the provision of the bill so far as it went to assume the debt of $1,500,000 due by the cities of the District, upon a transfer to the United States of the stock for which it was incurred; not because he believed that Congress was bound as surety for the payment of the money, as had been asserted here and elsewhere, but because he believed that relief was necessary to these corporations; but he could not vote to repay to the cities the interest and expenses they had heretofore paid. Admitting that Congress had been bound for the payment of this money, which, however, Mr. P. denied, there could be no reason why the surety should pay the money from which he had been actually discharged by the act of his principal. For that reason, the amendment he proposed made no provision for the payment of the interest and expenses heretofore paid by the cities. The debt which it was proposed to assume was not yet payable. If it was assumed by the United States, it would be worth at least ten per cent. advance; and the Government, being unable to cancel the debt, would be obliged to pay an interest of $75,000 per annum for ten or fifteen years, until the stock could be redeemed and cancelled according to contract. With a Treasury full and overflowing, we should pay from $750,000 to $1,000,000 for interest before the debt we were about to assume could be cancelled. To obviate this, one of the amendments proposed a purchase of stock of some one or more of the States to an amount of $1,500,000, the interest to be received on which would pay the interest on the debt assumed, and save the large amount otherwise to be lost to the United States by the payment of interest. He proposed also to pay the interest now due on the several loans. Mr. P. adverted to the unsold building lots in the city of Washington belonging to the United States. He had added a provision to declare that these lots now unsold should be held in trust for the use and benefit of the city of Washington, to be sold at public sale at such times as the corporate authority of that city should direct, and the proceeds applied to discharge the existing debt of the city, not provided for in the first section of the bill. These lots were 2,510, including 236 in dispute. By the passage of the bill relieving the city from a burden of taxes, the lots would be greatly enhanced in value, and would pay a great portion of the remaining debt, if not the whole.

Mr. P. stated his wish that relief might be afforded, and submitted the amendments as containing provisions which he trusted would receive the sanction of the House.

Mr. W. B. SHEPARD said a few words in opposition to the amendments, and expressed a hope that the committee would rise and report the bill to the House, where the gentleman's propositions could be discussed. He could see no reason why the amendment should be adopted, for it did not save a shilling of money, and involved as large a grant as the bill itself. He would not, however, discuss the merits of the bill in committee.

The amendments were then severally negatived, without a count.

Mr. UNDERWOOD moved to strike out the proviso to the second section, as follows: "*Provided always*, That if the said corporate authorities of said cities shall, within ten years after the passage of this act, repay to the United States the amount which shall be paid under and by virtue of this act, for and on behalf of the said corporate authorities, respectively, the Secretary of the Treasury for the time being shall thereupon transfer and deliver up the said stock to the said corporate authorities so repaying the said sums to the United States."

Mr. U. said he understood the object of the bill to be to pay the debt, and take a hypothecation of the stock. He at first thought it was a purchase. If the proviso was retained, and the stock ever became valuable, the corporation would claim a retransfer of it; if it should be worth nothing, the Government would be forever saddled with it.

Mr. VINTON would vote for this bill if the proviso was stricken out, but not otherwise. He would vote for it to get rid of the perpetual importunities with which Congress was assailed, from year to year, by these corporations; and he should like to see a bill passed to prevent their contracting any more debts in future. The bill was equivalent to a donation of six or seven hundred thousand dollars, which was the difference between the market price of the stock and the sum of a million and a half of dollars appropriated by the bill. If the proviso was retained, the United States would be unable to make any disposition of the stock in the interval, and at the end of ten years they would be at the mercy of these corporations, who would either reclaim the stock, if it was above par, or compel the United States to sell it, and claim the surplus, or, if valueless, leave it on the Government. He was for cutting loose entirely from the District, and taking the stock off their hands. Besides this, if the proviso were retained, the United States would lose the interest on a million and a half of dollars for ten years.

Mr. TOUCEY was inclined to think he should vote in favor of the amendment, when the bill came into the House; but he hoped the merits of the bill would not be gone into in committee, but that gentlemen would refrain from discussion till it came into the House.

Mr. MERCER addressed the committee in reply to the gentleman from Ohio, [Mr. VINTON.] He was opposed to striking out the proviso, which was indispensable to meet the objections of those gentlemen who maintained that the General Government had no constitutional power to hold stock. He himself did not entertain that doctrine, but others did, and the proviso obviated that objection to the bill. He thought the most judicious mode was to afford relief to the extent of the pressure, in the form of a loan, the stock being hypothecated for its repayment. He denied that the Government would lose the interest. The United States were to assume the liabilities; these included interest, of course; and the proviso assuredly included the repayment of interest, in the words that the corporate authorities should "repay to the United States the amount which shall be paid under and by virtue of this act, for and on behalf of the said corporate authorities." This manifestly provided for the repayment of the entire obligation, principal and interest. He earnestly hoped the bill would not be sent back to the Senate, amended in the form proposed, and thereby its final passage longer delayed.

Mr. W. B. SHEPARD stated that the Committee on the District had had many difficulties to contend with, and one was the objection on the part of many gentlemen to the right of the General Government to hold stock. It was for this reason that the proviso had been inserted. With regard to the question of interest, no loss could accrue by a fair and legal construction of the act. If the proviso were stricken out, it would, however, so materially vary the principle of the bill as to make the Government embark in a great speculation.

Mr. HAMER said he had but a few observations to make in relation to this bill. He was the friend of the District. It had been set apart for the capital of a great republic; and we ought to pursue a kind and paternal

policy toward it. He desired its prosperity; but all must admit that it could not prosper without some relief in regard to these debts, which weighed it down, and must necessarily prevent its improvement.

He had objections to this bill in its present shape, which he thought would compel him to oppose it unless they could be removed. It proposed to take stock on deposite. Why did we not take it absolutely, as our own at once, and then we could control it, and dispose of it whenever we thought proper. He would be for selling it in a reasonable time, at public auction or otherwise.

Mr. VINTON explained, that if the proviso were stricken out, the bill would be in that form.

Mr. HAMER thought not, because another part of the bill declared that the stock should be held in trust by the United States, to receive the dividends. The Government would not therefore be the absolute owner. He thought the cities ought to be satisfied, if we paid the debt and took the stock, without allowing them ten years to decide whether they could take it back. If the stock proved to be valuable, they would receive it; and if unprofitable, they would not.

Mr. UNDERWOOD said that, in order to meet that objection, he would modify his amendment so as to strike out all after the words "United States," in the second section.

Mr. HAMER said that that modification would remove his objections to the United States being the trustee of this stock. If the amendment prevailed, they would have the absolute property. He would take it in that way, and prohibit the cities from contracting any more such debts.

It had been remarked that this conditional transfer of the stock had been provided for, in order to remove the constitutional objections of some gentlemen. He said he had no repugnancy to hearing constitutional objections on that floor, but he was very far from agreeing with all he heard. If the United States could not take the stock at once, how could they take it indirectly? He should like to hear the distinction between taking it directly, and receiving it on pledge or mortgage, allowing the opposite party to redeem or not, at their own option. Suppose the cities should refuse to redeem; would not the stock at the end of the ten years become the absolute property of the Government? Undoubtedly it would; and he held the principle involved in the two cases to be precisely the same.

There were some things in the first section of the bill with which he was not entirely satisfied; but he should not notice them at present, as that section was not now under discussion.

Mr. SUTHERLAND was in favor of retaining the proviso; because, although some gentlemen thought differently on the constitutional question, yet it did meet the objection of those opposed to the Government holding stock. This was not a local measure; the whole country was interested in seeing the capital of the nation in such a condition as would be to its honor. The Congress was also, to some extent, pledged for the payment of this debt; and he trusted the bill would pass in its present shape.

Mr. GLASCOCK was in favor of the amendment, because he was satisfied, if the proviso were retained, the Government would be a loser, to the extent at least of the interest on the loan for ten years; for he gave a different construction to that clause from the one given to it by the gentleman from Virginia, [Mr. MERCER.] For himself, he could see no difference between taking this stock absolutely at once, and taking it in the indirect mode recommended in the proviso. It was a distinction without a difference, and certainly did not meet the constitutional objection. If the proviso were stricken out, he should vote for the bill.

Mr. LOVE thought that placing the stock in the character of a pledge was destructive to the interest of all the parties concerned, and would jeopard the value of the stock to a considerable extent. He insisted that it should be absolutely held by some one, empowered to make, if thought necessary, an immediate disposition of it. He could see no material difference between the Government holding the stock absolutely or in trust, with the probable contingency of its being left on their hands at the end of ten years. He was well assured that these corporations would never be in a situation to redeem the pledge.

Mr. UNDERWOOD remarked that the proviso might be an attempt to smother and deceive, but it certainly did not remove the constitutional objection, because the condition involved the same principle that taking the estate absolutely at once did; as, by the condition, the estate might absolutely devolve upon the Government.

Mr. LINCOLN believed that there was not a member on that floor who doubted but that it was the duty of Congress to pay this debt; and the only question now was, whether they would take a pledge for its indemnity. He could see nothing improper in the Government receiving such a pledge, or such an assignment as the borrowers had to offer; but he was opposed to an advance of a million and a half of dollars, without the possibility of reimbursing the Treasury of the United States until the expiration of ten years. He was therefore in favor of striking out the proviso, because he was for doing that at once directly, which was sought to be done at a remote period indirectly. He should vote for the bill if the proviso were stricken out; but if it were not, he feared he should be constrained to vote against it, much as he desired that relief should be given to the District.

Mr. EVANS did hope that these corporations would not be sacrificed at the altar of constitutional scruples, and that the proviso would be retained; for, if it had not been inserted, the bill would never have reached that House. He hoped the passage of the bill would not be jeoparded by adopting this amendment, and thereby creating a disagreement between the two Houses. For himself, he did not believe that these corporations would ever have the means of repaying the money; but he had no constitutional scruples on the subject, and he hoped the amendment would not be pressed.

Mr. CUSHING said the first question he always put to himself was, whether Congress had the constitutional power to pass an appropriation; and next, whether the appropriation proposed was just and expedient, within those powers. Now, in the present case, the proviso did not render the bill unconstitutional, but there were gentlemen who held that if the proviso were not in the bill, they had constitutional objections to it. He was, therefore, disposed to respect those scruples; and on that ground he should vote to retain the proviso.

Mr. WARDWELL was opposed to the bill in its present shape, because it called upon Congress to pay to those cities what they had already paid; and he should vote for the amendment. The bill was deceptive; for it held out to the people abroad that the United States were receiving an equivalent for their million and a half of dollars, when such was not the fact.

Mr. HARPER was an advocate of the United States disposing of its revenue for objects of internal improvement in every direction, and therefore he had no constitutional scruples on the subject. With regard to any claims the city of Washington had upon Congress, he thought that every other city in the Union had equal claims, except so far as it had a claim for taxation upon the lots now belonging to the United States within the city. He could not vote for any appropriation for the District on the ground of claim. He was in favor of

taking the stock at once absolutely, and he should therefore support the amendment, to strike out the clause, because that would be the effect of the motion, if it prevailed.

Mr. VANDERPOEL said he wanted to say a word or two in explanation. It had perhaps been inferred from what he said, when the gentleman from Ohio [Mr. HAMER] addressed the committee, that he (Mr. V.) cherished constitutional scruples as to the power of the Government to take an absolute transfer of the canal stock. He had no such scruples, but, on the contrary, was clearly of opinion, that if Congress had power to take a mortgage, or a conditional transfer of the stock, it had power to take an absolute assignment of it; but, as practical men, it behooved us to deal with men as they were, and not as they should be; and though it was inadmissible to allude to the proceedings of the other branch of this Legislature, yet he would take occasion to say that no gentleman who had paid due attention to the proceedings of the Senate upon the bill now before us could doubt that, if the proviso under consideration were stricken out, the passage of the bill would be jeoparded; nay, it was almost certain that, in that event, it would not become a law. Under this apprehension, he would vote against the amendment now under consideration, though the bill would be more acceptable to him (Mr. V.) if the proviso were stricken out. If he wished to secure an object which he deemed one of paramount justice or expediency, and if to obtain that object it was necessary to move or sacrifice a receiver, for one, he would freely make the sacrifice. He believed that the relief of the cities of this District from the burdens under which they were now staggering was called for by the honor of the nation; and, to secure this very desirable end, he would dispense with some provisions in the details of the bill, which were preferable to some that were retained, if the adoption of the former would endanger the final passage of the bill. He believed that we ought to relieve the corporations of the District; but whether the obligation to do so resulted from our past legislation, or from other considerations, he would not here undertake to say; when the proper time arrived, he would perhaps say something upon this point. He had only rose to say that he had no constitutional scruples to deter him from voting for the amendment of the gentleman from Kentucky; but that, as he did not deem the proviso proposed to be stricken out of vital importance, he would vote against striking it out; because he believed, if struck out, the whole bill would be defeated.

Mr. W. B. SHEPARD made an earnest appeal to the committee to take the question on the amendment at once, so that the bill might be reported to the House.

The question was then taken, and the amendment was rejected: Yeas 64, nays 65.

Mr. FAIRFIELD moved to amend the bill by inserting in the second section a provision requiring the repayment by the cities of all interest that may accrue on payments made by the Government, deducting whatever dividends may have been received. In support of the amendment, Mr. F. said that he felt disposed to go for the bill, but not on the grounds assumed by several gentlemen who had addressed the House. If he went for it, it would be from the necessity of the case—it would be to avoid incurring the national disgrace of having our Capitol sold under the hammer of an agent of foreign bankers. But he would like to have the bill made as perfect as possible before voting for it, and had therefore proposed an amendment to the second section. It seemed to be admitted on all hands that if we take this stock by way of pledge, and not as an absolute purchase, the payment of interest as well as principal should be made by the cities on a reconveyance to them of the stock. But it has been contended by the gentleman from Massachusetts, [Mr. LINCOLN,] and the gentleman from Virginia, [Mr. MERCER,] that, by a fair legal construction of the bill, the payment of interest is provided for. I cannot agree with gentlemen in this construction; to me it appears plainly otherwise. But perhaps the argument having the most plausibility in it is one advanced by the gentleman from North Carolina, [Mr. SHEPARD;] which is, that inasmuch as the transfer appears to be in trust, the payment of interest would follow of course. But it appears to me that this merely establishes the relation which is to exist between the parties, and has nothing to do with the extent of the liability of either to the other. The latter is expressly stated in the next sentence, to wit: that, on reconveyance, the cities shall pay the Government the same amount that may have been paid by the Government. Nothing, however, is said about the payment of interest. Now, would any gentleman contend that interest would be recoverable on a note of hand which did not provide for the payment of interest? If not, why should it be contended for here? It appears to me there is no more ground for it in one case than in the other; and those who entertain the same opinion will, I trust, vote with me for the amendment.

The amendment was agreed to.

Mr. GRAVES then moved to amend the bill by an additional section, providing for the purchase, by the United States, of the stock of the Louisville and Portland canal.

Mr. MERCER suggested that the motion was out of order.

Mr. W. B. SHEPARD contended that it was out of order, on the ground that this day was set apart exclusively for the consideration of bills on the District of Columbia, with which the amendment had no connexion; and also on the ground that the proposition was identically the same as a bill now before the House.

The CHAIR decided the motion to be out of order, on the first ground stated by the gentleman from North Carolina.

Mr. GRAVES took an appeal from the decision of the Chair, and briefly argued the question.

Mr. JENIFER asked the gentleman from Kentucky if he really wished this bill to pass; because, if he did, Mr. J. hoped he would withdraw his amendment, since it would inevitably defeat the bill.

After a few words from Mr. BOON, the decision of the Chair, that the amendment was out of order, was sustained without a count.

Mr. HAWES moved to strike out the enacting clause, and proceeded to address the committee at length in opposition to the bill. He said in future he should oppose bills in Committee of the Whole, so as to prevent discussion being cut off by the previous question. On referring to the memorial from the city of Washington, which Mr. H. read, it appeared that they claimed this relief from Congress entirely on the ground of a claim that the original proprietors of the land had surrendered it without a full consideration. Now, he contended that, if any claim existed on this ground, the real and only claimants should be the heirs of the original proprietors. Mr. H. then proceeded to review the memorial at length, to show that the city of Washington had no just claim upon Congress. On the contrary, all their present embarrassments were the result of extravagance and improvidence on their own part, and in no way grew out of their relations to the Government of the United States. If, however, they complained that their embarrassments grew out of the fact of this city being the seat of Government, where so many millions had been expended, what would be the nature of their complaints if the seat of Government should be removed? He designated this as one of the most extravagant propositions that ever had been introduced into Congress. It involved an ex-

pense of at least three millions of dollars, or from three to five dollars an acre for every acre of land over the twelve miles square of the District of Columbia. Would the people of the United States in any section of the country approve of three millions of their hard earnings being lavished on this District? No; this proposition would not, and could not, stand such a test.

But there was another consideration. If the President of the United States did not abandon the principles of his veto messages upon internal improvements, he must veto this bill if it should ever be presented to him. Mr. H. expressed his surprise at the remark of the gentleman from Pennsylvania, [Mr. SUTHERLAND,] that the honor and glory of the American people were involved in keeping up the metropolis of this country, or in keeping Pennsylvania avenue in repair. He could not subscribe to that. Mr. H. then entered into a review of the constitutional questions growing out of the bill, and contended that the General Government had no more right to tax the people or to take the people's money, for the purpose of holding stock in the District of Columbia, than any where else; and on this ground he fervently hoped and believed that the President of the United States would veto it.

The principle of this bill was precisely the same as that of the Maysville road bill, the only difference being, that one provided for an Eastern and the other for a Western expenditure. He therefore called upon all his friends on that floor who had sustained the President on the Maysville veto, to vote with Mr. H. against the present proposition. Moreover, the Maysville road bill appropriated only one million of dollars, whereas the present one involved an expenditure of three millions; and was therefore, so far as the amount of money was concerned, three times as unconstitutional as the former. The honorable member then went over the names of the members of the Committee on the District of Columbia, remarking upon the inconsistency of the principles of this bill with those professed by some of the gentlemen of that committee, [Messrs. VANDERPOEL, BOULDIN, ROGERS, LANE, FAIRFIELD, and TOWNS.] He adverted to the manner in which they were continually beset with applications for relief, begging from year to year, and the success of one application being only the precursor to another. He adverted to the numerous memorials that had been presented. They first ask for lots, and they are given to them. They then come back, in the very same session of Congress, and ask Congress to buy them back again, and give some one hundred and fifty or two hundred thousand dollars for them. They then petition for a lottery, and suffer themselves to be cheated out of $250,000 by it; and sure he was that, if the present bill passed, before to-morrow's sun would set the city of Washington would be there again, begging Congress to relieve them from their loss. For the citizens of the District, individually, he entertained the highest respect, for he had always received at their hands great kindness and respect.

As soon as Mr. H. had concluded, the question on his motion was taken, and rejected: Yeas 39, nays 89.

Mr. LINCOLN then addressed the committee in opposition to the second section of the bill, which provided that the stock should be held in trust by the Secretary of the Treasury and his successors, but contained no provision for voting the stock, and thereby securing the rights of the holders.

Mr. VANDERPOEL said he had drawn an amendment expressly providing for that objection, by authorizing the Secretary of the Treasury to represent and vote the stock.

Mr. GRAVES then moved to strike out the first section of the bill.

Mr. VINTON moved that the committe rise; lost: Ayes 52, noes 68.

Mr. GRAVES then gave way to

Mr. VANDERPOEL, who moved the amen dment indicated above; which was agreed to, *nem. con.*

Mr. GRAVES then addressed the Chair as follows:

Mr. Chairman: I cannot vote for this bill in its present shape; and, with a view of rendering it less exceptionable, I move to strike out so much of the first section as provides for refunding to the corporations of the cities of Washington, Georgetown, and Alexandria, the sum of $681,086, which they have paid by way of interest on the $1,500,000 borrowed by them in Holland to pay up their subscriptions in the Chesapeake and Ohio Canal Company.

As this House is very much disinclined to hear much more debate upon this subject, I propose to occupy but a small portion of their time in submitting my reasons for this motion. It appears that these three cities, from a conviction that it would promote their commercial importance, and the individual interest and convenience of their citizens, subscribed for $1,500,000 of stock in this canal, and borrowed the money in Holland to pay up their subscriptions, upon which they have paid already $681,086 of interest on the sum borrowed. And now, since it has turned out that this is an unprofitable investment, and their stock will not command more than forty cents on the dollar, they come to us and ask not only that we, acting on behalf of the people of these United States, shall take off of their hands this debt of $1,500,000, and take their stock for it, now intrinsically worth but forty cents on the dollar, and amounting to but $600,000; in which item itself they will, if this bill should pass, receive a donation of $900,000; but, in addition thereto, they ask us to refund to them this $681,086 of interest which they have paid, and which, added to the $900,000, makes the sum of $1,581,086, which is as strictly and as purely an unqualified gift as any thing could be. Now, in the name of justice and common sense, I ask the representatives of the people upon what ground they are going thus to squander the money of their constituents. What right have the citizens in this District to ask of their fellow-citizens to purchase this property of theirs at a price exceeding its value $1,581,086? Have they any right, because they live in the District of Columbia, at the capital of these United States, to require of the citizens of the different States to make them a gift amounting to this enormous sum? Would not the citizens of the other States, who own stock amounting to $1,000,000, which Congress authorized to be subscribed on behalf of the United States, have just as much right, upon principle, to ask this District to purchase their $1,000,000 at par, dollar for dollar, when it is intrinsically worth but forty cents on the dollar, as the District has to ask the citizens of the States to consent to the provisions of this bill? I mention the cases as exactly analogous on principle; and the only difference is, that the people of the States have been industrious, have thriven, are prosperous, and have money in their Treasury, and the people of the District, for causes unnecessary for me to mention, are poor, and have no money. But, Mr. Chairman, if for this reason we pass this bill, it can be nothing more nor less than the bestowing of this vast sum of $1,581,086 as a charity upon this District; and I should thank the supporters of this bill to point out that clause in the constitution which authorizes Congress to act as a charitable institution.

As long, Mr. Chairman, as I am honored with a seat here, as one of the representatives of the people, I am resolved to act out the principles of a representative democracy, according to my understanding of its legitimate import. I understand it is not only my duty, but that of every Representative on this floor, honestly and faithfully to speak the will of his constituents; to do just what he believes they, if here, and standing in his posi-

tion, with a full knowledge of the whole subject themselves, would do. Taking this, then, as the rule of my action, and believing that my constituents, if attending in person to their own business, would not consent to give $1,500,000 for stocks worth but $600,000, and that, too, at this time, when money is so abundant and stocks so high, and refund to the holders of that stock $681,086, in violation of all right and justice, therefore, I, for one, do not feel myself authorized to do it. My constituents shall never, as long as I am their agent here, knowing it to be against their will, have their assent given to any such proposition; and I appeal to gentlemen who hold seats here, when they go home and apprize those for whom they are here acting that they have bought from the District, with the people's money, its share in the Chesapeake and Ohio canal, whether they would not be ashamed to tell the nation of the contract. I say, sir, who on this floor would not be ashamed to tell his constituents that he had paid out $2,181,086 of their money for that which was worth in market but $600,000; and that he had given to those from whom he purchased, because they were poor, the little paltry sum of $1,518,086 more than the value of the property purchased? Who, on telling his constituents the plain truth on this subject, could expect them again to intrust to him their interests?

Mr. Chairman, when I first looked at the provisions of this bill, I was perfectly astounded that such a one should ever have passed through the other branch of this Legislature, and not less surprised to see so many of the oldest and most experienced members of this House signifying an intention to support it; but I find with many, who have been here for years, that no application which the District could make would be considered unreasonable or unusual; and, indeed, such has been the indulgent character of legislation by Congress towards this District, that there is no such thing as satisfying its demands. Already, on a former occasion, we paid $70,000 of its debts as a sheer gratuity; on another occasion, Congress, to get rid of its importunities, gave it several lots in the city of Washington, as a donation; and, at the same session, bought them back at the enormous price, as I understand, of $160,000; and upon this principle, if we now buy out this canal stock, worth $600,000, at $2,181,086, may we not expect to be petitioned to give it back before this session ends? And may we not thus be importuned, from year to year, first to buy it out, and then give it back, without end? And cannot this and the other acts named be quoted as authority and as a precedent for such claims? Already has Congress, mainly for the benefit of the District, made the following appropriations:

For stock in the Chesapeake and Ohio Canal,	$1,000,000
For the Alexandria canal, - - -	100,000
For the two bridges, - - -	300,000
For Pennsylvania avenue, - - -	130,000
For the canal through the city of Washington, - - - - -	160,000
For enclosing the public grounds, - -	160,000
For the penitentiary in Washington, -	100,000
For the civil government of the city, -	340,000
For interest on the Holland debt, - -	70,000
For a jail in Alexandria, - - -	12,000
A donation to Alexandria for a loss by fire, -	20,000
Amounting to the enormous sum of -	$2,392,000

And yet we are importuned at this time to give to this District the astounding sum of $2,181,086 for stock in this canal, which is not worth one third of the amount.

I trust, Mr. Chairman, that I am not wanting in national pride, or in a spirit of proper liberality towards the people of this District. If so, sir, I misrepresent those who sent me here as their representative; for they are both patriotic, high-minded, and liberal; and if they were here, they would be, as I am, unwilling to see the cities of this District sold under the hammer to the Dutch, and hence I would feel disposed to give them a liberal and high price for their stock; and if, as they confidently seem to believe, it shall become of greater value than the price at which the United States purchased it, with interest from the time of its payment, I would not refuse to let them, any time in ten years, have it back, by refunding the purchase-money, with interest, deducting the amount of tolls that shall have been at that time received; for I do not desire to speculate on the people here. But, sir, let us look at the proviso in the second section of the bill; it reads as follows:

"That if the corporate authorities of said cities shall, within ten years after the passage of this act, repay to the United States the amount which shall be paid under and by virtue of this act, for and on behalf of the corporate authorities, respectively, the Secretary of the Treasury for the time being shall thereupon transfer and deliver said stock to said corporate authorities so paying the said sums to the United States."

As the bill now stands, I am persuaded, it can never confer any practical benefit on the people of this District, except it is in drawing to the measure the support of such as may not have looked into the subject so particularly as to see that stock at this time worth but $600,000 will not probably ever be worth as much as the price we are required under this bill to pay for it, with the interest accruing on it from this time. I believe, sir, if the District had any conception of ever refunding the purchase-money and redeeming its stock, that it would have been content with our taking its stock at more than twice its value, and assuming their debt in Holland, and thus relieving them of an annual tax of $75,000, and saving their property from sale, without asking us to refund to them $681,086, which they have paid by way of interest on the money invested in this unprofitable undertaking, under an implied promise that it shall refund the money, with interest. Can any man believe this? I will venture to predict, if this bill shall pass in its present shape, that no mortal will ever hear of the District claiming the benefit of this proviso. I therefore hope that so much of the second section as proposes to refund to the three cities in this District this immense sum of interest may be stricken out.

Mr. Chairman, before I resume my seat, I hope I shall be excused for a short digression from the subject before the House. I have been admonished by honorable members that my opposition to this bill would likely prejudice my favorite project, for the Government to purchase out the individual stock in the Louisville and Portland canal. Surely such cannot be the case; but if this shall be the effect of my opposition, be it so. I have done nothing but what I have felt called upon by the obligations of the most sacred duty to do. I shall not feel myself authorized to blame any member for opposing my favorite measure, if he thinks it his duty to do so. Whilst I claim the right to judge for myself as to my own course, I readily accord to others the like privilege to judge of the propriety of theirs. I shall never ask any member to vote for a measure of mine, unless he thinks it right to do so. And no member need expect to purchase up my support to a measure that I think wrong in principle, and so cryingly unjust as the present. Let every measure stand or fall upon its own merits. The grounds on which the application for the purchase of the individual stock in the Louisville and Portland canal rests are entirely different from those of the present bill. The application is made, not by the stockholders to the Government to take their stock at $1,581,086 more than its market value, but it is an ap-

plication, on the part of the people of the West, who feel themselves so deeply interested in having a most enormous tax on the navigation of the Ohio river removed; a subject in which eleven of the twenty-four States of this Union are deeply interested. The canal around the Falls of the Ohio is undeniably a great national work, and should be owned by the national Government, and the navigation of it instantly made free.

The Western people demand as a right, whilst millions on millions are appropriated to promote and facilitate commerce in the Eastern and Northern States, that their claims be not entirely overlooked. But, sir, habit becomes second nature. So unused are the West to favors from the Federal Government, that they scarcely know how to ask for them; and hence I was instructed, if I could not procure a more favorable bill, to ask for such a one as the committee have reported, by which the Government proposes to buy out the private stock in that canal; and when it shall have reimbursed itself by the collection of tolls for the amount paid out under the act, with interest, then to reduce the tolls so low as barely to defray the expense of keeping it in repair and superintending it.

And, sir, when that bill comes up, I pledge myself to present facts which must satisfy all who will impartially attend to them, that the Government will be reinstated in every cent of the money which the bill proposes to appropriate, with interest at six per cent. per annum, in six years, upon the supposition that the commerce of the Ohio river shall not increase by fifty per cent. as rapidly for the next six years as it has for the last five. For, sir, in 1831 the tolls collected from that canal amounted to but $12,750, less than one and a half per cent. on the original stock; in 1832, the amount exceeded $25,000; in 1833 the increase was not so great; but in 1834 the tolls amounted to $61,848; and in 1835 to $80,165; thus, the tolls doubled themselves more than six-fold from 1831 to 1835, inclusive. And the people of the West believe that, unless the Government purchase up the private stock in the canal, without delay, in two or three years it will yield 18 per cent. to the stockholders; when it will command so high a price that the Government may not be willing to buy it. Yes, sir, such is the rapidity of the increase of the commerce of the Ohio river, that the enterprising citizens of the West say that it will soon yield not only 18 per cent. as a nett profit on the stock of the present canal, but they foresee, with unerring certainty, that, in a few years, the commerce will become so great that it will also enable those who, under the charter granted by the legislation of the State of Indiana last winter, propose making a canal on the Indiana side of the Falls, at an expense of perhaps $2,000,000, to collect a nett profit of 18 per cent. upon the cost of the canal—the largest amount which, I understand, the charter allows them to collect. Eighteen per cent. upon the capital thus invested in the two canals amounts to the sum of $531,520, which will inevitably be an annual tax imposed upon the navigation of that river.

The motion of Mr. GRAVES was lost, without a count.

Mr. MANN had hitherto opposed every step taken to burden the country with the extravagant charges of this District; and though he was sensible of the extent of their embarrassments, yet he was conscientiously compelled to vote against the present bill. He should feel it his duty to oppose the bill upon constitutional grounds, if there were no other objection to it. The bill, divested of all surplusage, was a bill in substance and in fact to authorize, as if an original proposition, a subscription to the stock of the Chesapeake and Ohio canal; and if the principle of the bill were a sound one, there was not a city in the Union which could not claim relief under similar circumstances of embarrassment.

Mr. M. then moved, at the request, he said, of a friend to the bill, an amendment, to the following effect: providing that the stock of the Chesapeake and Ohio canal, owned by the three corporations of Washington, Georgetown, and Alexandria, shall be transferred absolutely to the Government of the United States; which stock shall be sold at auction, after the lapse of ten years, by the Secretary of the Treasury.

Mr. W. B. SHEPARD remarked that the motion was similar in effect to a proposition rejected by the committee that day. It would also be manifestly to the injury of all parties interested to throw so much stock into the market all at once, at a fixed period, without probably there existing at the time any valid reason for it.

The amendment was then rejected.

Mr. JARVIS moved to strike out all that part of the first section which proposed to pay out of the Treasury the sum of $681,068 to the several corporations of the District, in full of all such sums as have been paid by the said corporations, respectively, in the shape of interest, exchanges, costs, and expenses incurred by the terms of said contract or loan, (from Holland,) or in and about the negotiation therefor.

The amendment was briefly advocated by Messrs. JARVIS, VINTON, HARDIN, and GRAVES, and opposed by Mr. MERCER.

Mr. WASHINGTON addressed the Chair as follows:

Mr. Chairman: The friends of the bill under consideration have abstained from entering into a discussion of its merits, in the hope that it would be reported to the House without exciting much debate, and that we might be enabled to pass on other measures, in committee, of high interest to the District. It was our intention to sustain the bill before the House, if serious opposition was made to its passage. But, sir, from this protracted debate, we have cause to fear that the short but valuable time allotted to District business is to be absorbed by this single measure. It is, therefore, Mr. Chairman, with unfeigned reluctance that I am forced, at this late hour, to depart from the rule I had prescribed for myself, and for a brief space to solicit the attention of the committee.

Sir, I should be apostate to the cause of truth and justice, and the highest obligations of duty and feeling, could I patiently and in silence on my part permit the gross misstatements which have been made in relation to the District of Columbia and the Chesapeake and Ohio canal to pass unnoticed. I mean not to impugn the motives of gentlemen, or to impute wilful misrepresentation; but, sir, they have not given this subject that full investigation which its importance merits, nor have they arrived at the true statement of the facts which documents on our tables, and others entirely accessible, would have furnished.

What, sir, let me ask, are the claims of the District of Columbia on this Government; and with what justice and propriety does she now present her prayer for relief? Whilst under the fostering care of the States of Maryland and Virginia, her cities then in existence flourished, and enjoyed a large foreign and domestic trade, with prospects of increasing prosperity. This spot having been selected as the seat of a great national city, the territory of ten miles square was ceded to the United States, and placed under the special protection of the General Government. But, sir, did the District come to your arms poor and penniless, a tax on your Treasury, and a burden to the nation? No, sir; she brought you a rich dowry in lands and money; more than ten thousand lots in this city, for which you paid not one cent, the sales of which have already amounted to between $700,000 and $800,000, and been placed in your Treasury. You have made donations to literary and charitable institutions of lots to the value of $70,000, and have

lots remaining unsold valued at upwards of $100,000. Your public squares and reservations of 540 acres, now valued at more than $1,000,000, cost but $36,000, and were paid for by the sale of lots which had been given to you. The State of Virginia at the same time made you a donation of $120,000, and the State of Maryland $70,000. Let it be borne in mind, too, that you have derived all the advantage of the rise of property in this city from the enterprise and at the cost of individual property-holders, without having contributed any thing toward it, for you have paid no taxes; and had your lots been taxed *pro rata* with those of individuals, the sum would probably have amounted to nearly the present debt of the city.

Now, sir, in what consists this very unreasonable request on the part of the District cities? Why, that you will assume for them, from your redundant Treasury, a sum short of what you have realized by the connexion with them, to relieve their embarrassments, which are crushing them to the earth, and from which they have no other mode of escape; for this and the interest and losses on their foreign loan they offer you all the security in their power, and which I will presently show to be most ample.

It has been asserted that the embarrassments of these corporations have resulted from their extravagance and improvidence. To make assertions on mere impressions or rumors is no difficult task; but to prove their correctness in the face of facts is not so easy. I challenge gentlemen to point out the acts of extravagance to which these corporations are amenable. The chief source of embarrassment has grown out of the subscription of these cities to the Chesapeake and Ohio canal, and the interest and losses consequent on the Holland loan, which was negotiated to fulfil their engagements on account of the subscription to the canal stock. I shall be able to show that they were justified at the time in making that subscription, and that they were, in fact, induced to it by the acts of the Government. The charge of improvidence from that quarter would, indeed, come with bad grace. Washington, it is true, was most unfortunate in the lottery grant, which added about $200,000 to her debts; but this loss cannot be attributed either to her extravagance or improvidence. But, sir, in the magnificent plan of your city, and the length and width of its avenues and streets, exceeding those of any city in Europe, or, perhaps, in the world, opened and improved at the expense of a small population, may be found an additional and obvious source of embarrassment. This plan was for the accommodation of the Government and to gratify the pride of the nation, in which the citizens had no voice, and for which they are in no respect responsible.

The consideration which induced the District cities to incur responsibilities, by their large subscription to the Chesapeake and Ohio canal, demands the serious attention and reflection of members, and, in my humble judgment, imposes a moral obligation on the Government to grant the fullest measure of relief. But for the hopes held out by the Government in becoming a partner to the amount of one million, and their faith in her continued patronage and countenance to the canal, thereby insuring its early completion to Cumberland, these cities never would have incurred responsibilities so far exceeding their means. The original plan, before the United States became a partner, contemplated a canal from tide water to terminate at Cumberland, thirty feet in width and three feet deep, the cost of which was estimated at $1,578,954. This work was evidently within the means of the parties interested, might have been finished some years since, and the local interests it was intended to promote would, at this day, have been in the full fruition of the benefits which were anticipated by its friends. But the Government soon took an interest in this improvement; when, from a mere local, it assumed the character of a national work. The President of the United States recommended it in the strongest terms to the favorable consideration and patronage of Congress, as presenting the highest claims on the public means to insure its success. It was represented to be a work of the greatest national importance, affording the nearest and most practicable connexion of the Western waters with the Atlantic, and, in its political consequences, as drawing more closely the bonds of union. Congress responded to the recommendation of the President, and granted a charter, which required the company to enlarge the capacity of the canal, so as to answer all the purposes of the nation, and to admit of its extension to other points besides the District of Columbia.

In place of terminating at Cumberland, as originally designed by its projectors, and under the national aspect it now assumed, Pittsburg was designed as the western terminus. The Government directed its engineers, with General Bernard at their head, to make the survey and estimate of cost. That estimate made the cost to Cumberland to exceed $8,000,000; and yet, in the full knowledge of these facts, the Government subscribed $1,000,000.

Is it, then, Mr. Chairman, under these circumstances, a matter of surprise that the District cities, confiding in the further aid of the Government to a work in which it had become so largely interested, and relying on its early completion, should have ventured to embark their fortunes in the same concern? Their hopes were buoyant, and they believed that, under such auspices, the speedy completion of the work was secured. They looked forward with confidence then, as they do now, to the incalculable benefits and boundless sources of wealth in which they must participate when this great work is finished to Cumberland. But a change came over their hopes. Other counsels prevailed, and a different policy was adopted by the Government, and left them to deplore their own credulity, and mourn over their broken fortunes.

Mr. Chairman, it has been contended in another branch of the Government, and by the reports of the Committees for the District of Columbia of both Houses, that the faith of the nation is implicated in the foreign debt of these cities. It is evident that such is the impression of the Messrs. Crommelins, with whom the loan was negotiated in Holland, and who, in their correspondence with Mr. Rush, remark that "the public faith of the United States is so mixed up with the matter, that we should not readily permit ourselves to doubt that it presents all reasonable grounds of security." By an act of Congress, these cities were authorized to effect a loan, and to mortgage the property of the citizens, resident and non-resident, to secure the payment of the principal and interest. The Treasury of the nation was made the repository for these payments, and the President of the United States required to see the faithful performance of the contract on the part of the cities; and, in the event of failure to comply, he is to cause the property within their limits to be sold at auction, to raise an amount sufficient to liquidate the debt. A former Secretary of the Treasury interested himself in the negotiation of the loan, by addressing letters to foreign capitalists, expressing the deep interest which the Government took in the matter. Now, sir, I leave it for the House to judge how far the act of Congress, and the connexion of these high functionaries of the nation with the transaction, were calculated to influence foreign capitalists in lending their money, under the belief that the faith and honor of the nation were pledged for their ultimate security.

These cities have strained every nerve to sustain themselves, but can no longer struggle against destiny. They have failed to comply in the payments to their foreign creditors, and the President has been required by the agent of those creditors to enforce the contract.

This unwelcome duty he must perform, and has already appointed a commissioner to attend to its execution. May Heaven avert this disgrace from our country!

It has been said by an honorable gentleman from Kentucky, that the security offered by these cities, of their stock in the Chesapeake and Ohio Canal Company, is far from being adequate, and, in fact, is worth but 40 cents in the 100. Where the gentleman has obtained his information as to the value of that stock, I cannot conjecture. I have heard of none in the market, with the exception of the stock of a few delinquent subscribers, and am not aware that even that has brought less than 50 cents in the dollar. The stock of that company is held chiefly by Governments and corporations; and the individual stockholders, with the few exceptions I have mentioned, will continue to hold their stock, in the firm belief of its being the most profitable investment they can have, when the canal is completed to Cumberland. The gentleman calculates the indemnity to the Government at what he estimates to be the present value of the stock. But, sir, the bill does not contemplate the immediate sale and consequent sacrifice of the stock, but, on the contrary, provides that the District cities may redeem it within ten years, by refunding to the Treasury the amount of principal and interest which may be paid for them. Sir, I hazard the assertion, with the most sincere and thorough conviction of its being realized, that long, long before the term of redemption limited by this bill, the stock of the Chesapeake and Ohio Canal Company to be given in pledge to the United States will be an ample fund to repay to the last cent the obligations you may assume for the District. If this magnificent work, far surpassing in its dimensions and construction any other in this country, as many gentlemen on this floor, who have recently visited it as far as Harper's Ferry, can testify, should fail to realize the expectations of its friends, it will be a solitary exception in the history of canals, either in this country or Europe. This may more especially be said of canals leading to a mineral region, which have, without a solitary exception, proved to be the most profitable of any kind of investments. Take, for example, the Schuylkill canal, the chief transportation on which is coal. Five or six years ago its stock of $50 a share, being the par, would command only about $24 a share. It now sells, as was stated by the gentleman from Virginia, at upwards of $160 a share—an advance of more than 200 per cent.

The New York canal, which had, in its progress, to encounter all the prejudices and difficulties which have been thrown in the way of the Chesapeake and Ohio canal, and cost about $8,000,000, after having reduced the tolls one third, is now yielding to the State a revenue of more than one million and a half of dollars annually, and this, too, without the advantage of having iron or coal for transportation.

These simple facts, which cannot be controverted, are entitled to more consideration than all the assertions or prophecies of gentlemen, whose prejudices or want of correct information may have misled their judgments.

Why, sir, should not the stock of the Chesapeake and Ohio canal become a fruitful source of revenue to all concerned? It passes through a region of country equal in agricultural products to any in the Middle States. Its tributaries, the Shenandoah, the Cacapon, South Branch, Antietam, Conecocheague, and Monocacy rivers, already navigable, and susceptible of improvement for several hundred miles, all water extensive and fertile valleys in the highest state of cultivation. Independent of agricultural productions, look to the other sources of revenue from coal, iron, lime, lumber, the valuable fisheries of the Potomac, and many other articles of transportation, too various to enumerate. To these may be added the immense trade of the West, which can be transported on the national road to Cumberland, and by the canal and railroad to the District cities and Baltimore, at a cheaper rate and by a nearer route than any other communication can offer. The return trade, in merchandise, &c., to the Western States, must also add largely to the revenue of the canal. The water power created by the canal is of unlimited extent, and will invite the enterprise and capital of manufacturers. The entire column of water of the Potomac may be turned into the canal within the District; and with a canal to the interior, transporting the raw materials for manufacture, and easy access to the ocean, where is there a position offering greater inducements?

The coal and iron of Alleghany are inexhaustible; and the coal, after careful analysis, is pronounced to be one third better in quality than any bituminous coal in this country. The mineral can be delivered (when the canal is completed to Cumberland) in the Eastern cities at one third less in price than they now pay for similar coal, and is one third better in quality. The inevitable consequence then is, that the demand will not be confined to the valley of the Potomac and the cities of the District and Baltimore. However large its consumption may be, it will constitute but a small item of the transportation of the canal. No, sir; where an article indispensable to human comfort can be had cheapest, there will be the demand and the market; and the result is apparent that the Potomac coal will enter into the consumption of every family, manufactory, and steamboat, of the Eastern States and elsewhere.

What, then, Mr. Chairman, is to limit the trade and revenue of the Chesapeake and Ohio canal, but its capacity to transport the articles which will float on its bosom? And what, sir, is that capacity? Why, sir, it can transport 3,500,000 tons per annum; which, averaging the various articles of trade and distances navigated, will produce more than one dollar per ton. None can, therefore, question the capacity of the canal to accomplish all the purposes of its construction. Of the correctness of these views I am fully persuaded, and reiterate the assertion that the stock held by the District cities affords ample security to the Government for any obligation she may assume on their account. It is not from choice that they propose to surrender their stock, but from dire necessity, from the pressure of their embarrassments, and having no other security to offer you.

We look forward with confident hope to the completion of the canal in about two years, when all the sources of its future revenue will be fully developed and brought into active operation.

The State of Maryland, perceiving the struggle making by her sister States to secure the rich trade of the West, to her exclusion, has resolved no longer to rely on foreign aid for the accomplishment of a work so vitally important to all her interests. She was an original subscriber to a large amount, and has since loaned the company $2,000,000; this will complete about 140 miles by the next spring, leaving only between 40 and 50 miles to be constructed. The same enlightened policy which induced her to proceed thus far, will stimulate her, by prompt action, to insure the earliest completion of the work, by which it will become to her a fruitful source of revenue, and reimburse all she may advance in its construction.

The decisive action of Maryland, in providing for the final completion of the canal to Cumberland, will have an immediate influence on the value of the stock, and

probably raise it to its par value. Indeed, such is the confidence of the holders of that stock, that I question if one hundred shares could be purchased in the market.

That public attention and vast capital are directed to the coal region of Alleghany, in contemplation of the completion of the canal, is now a matter of record. The Legislature of Maryland, at its last session, incorporated railroad, canal, manufacturing, and banking companies, with capitals to the amount of $10,000,000 or $11,000,000, all in the mineral region of Alleghany, and accessory to the Chesapeake and Ohio canal.

Foreign capital to an immense amount is thus introduced into our State; for many of the capitalists of New York and Boston are concerned in these corporations.

Mr. Chairman, the debate on this bill has assumed a most extraordinary character. Gentlemen, not content with expressing their disapprobation of the measure, have gone so far as to attempt to make it a party question, and have endeavored to rally aid to the opposition by appeals to party feelings and prejudices. The District of Columbia, having every claim on your kindness and protection, is treated as an outcast, and viewed as an intruder. It would appear that, although a portion of the American family, she is unworthy of your countenance, and that she has neither wants nor interests to be protected, or even feelings to be respected. Sir, I will boldly venture the assertion, that no civilized nation on the globe has done so little to cherish and promote the growth and prosperity of its metropolis as has the United States.

A gentleman has said that he could not dare to meet his constituents, were he to vote for this measure. Sir, I have constituents, too, of whom I am justly proud, intelligent, patriotic, and generous, whom I should be ashamed to meet, were I to vote against this measure, and have to tell them that my vote had consigned the metropolis of their country to the hammer of the auctioneer, and that I had left it in the hands of foreign brokers and stockjobbers. Sir, the recital would rouse the indignant blush of shame on every cheek.

I feel confident that the measure of relief proposed to the District cities will meet the cordial approbation of the people, whom I have never yet known to disapprove of an act of justice or generosity; and those who assert the contrary must libel them.

Pass this bill, and you give new life, hope, and animation, to this community. You invite population, enterprise, and capital; you disperse the clouds which have lowered over their fortunes, and gladden their hearts with returning beams of prosperity. But reverse the picture, and you leave them to the mercy of foreign creditors—poor, desponding, bankrupt; your metropolis sold, your country disgraced.

The amendment of Mr. JARVIS was then negatived: Ayes 61, noes 62; when the committee rose, reported the bill as amended to the House; and, on motion of Mr. HARDIN,

The House adjourned.

FRIDAY, MAY 6.

DEFENCE OF THE WESTERN FRONTIER.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill appropriating $1,000,000 for the defence of the Western frontier.

Mr. C. sent to the Clerk's table the following communications from the Secretary of War and the quartermaster general, to show the necessity of speedily disposing of this bill:

WAR DEPARTMENT, *May* 4, 1836.

SIR: In January last orders were given to Major General Gaines to take measures for the defence of the western frontier of Louisiana. Events which were then passing in Texas led to the belief that a state of things might arise requiring the interposition of the Government to protect the inhabitants of that portion of the United States from the calamities of war.

There were placed, subject to General Gaines's orders, three regiments of infantry and seven companies of dragoons; and he was instructed to prevent, by force if necessary, any armed parties from crossing the boundary line into the territory of the United States. He was also informed that the thirty-third article of the treaty with Mexico imposes upon both of the contracting parties the duty of preventing all hostile incursions on the part of the Indians into the possessions of the other; and he was directed to take the necessary measures for fulfilling this obligation on the part of the United States. He was also instructed, if called upon by the civil authority for any aid towards enforcing the laws having relation to the neutral duties of the United States, to render such assistance as the laws prescribe; and he was referred to the district attorneys of the two districts of Louisiana, for their opinion upon such points of law connected with his duty as might arise. He was also particularly advised that it was the duty of the United States to remain entirely neutral, and to cause their neutrality to be respected.

By information recently received from General Gaines, it appears that he considers it necessary that his force should be increased, with a view to afford proper protection to the frontiers. He has, therefore, called upon each of the Governors of Louisiana, Mississippi, and Tennessee, for a brigade, and upon the Governor of Alabama for a battalion of militia: the whole, or as many of them as practicable, to be mounted. He reports that the Mexican forces are rapidly approaching the border; and he anticipates, that as soon as they have reached the vicinity of the Indians, these will join in the contest, and that the Indian force will respect no boundary line. And the operations in Texas, as described by General Gaines, cannot fail to produce a favorable effect upon the cruel disposition and predatory habits of the Indians.

I have therefore the honor to suggest to the Committee of Ways and Means the propriety of an appropriation of one million of dollars "to defray the expenses attending the defence of the Western frontier of the United States, to be expended under the direction of the Secretary of War, conformably to the provision of the act of April 5th, 1832, making appropriations for the support of the army."

I send for the information of the committee a letter from the quartermaster general.

Very respectfully,
Your most obedient servant,
LEW. CASS.

Hon. C. C. CAMBRELENG,
Chairman Committee Ways and Means,
House of Representatives.

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QUARTERMASTER GENERAL'S OFFICE,
Washington City, May 3, 1836.

SIR: The operations on the frontiers of Texas will require large appropriations. I have a requisition on my table for one hundred thousand dollars for that service, and have not a dollar to meet it. I have received a letter from the assistant quastermaster at Natchitoches, reporting that he had found great difficulty in obtaining land transportation for five companies. The wagons and horses, as well as mules for packing, must be taken from Ohio, Kentucky, or Tennessee. Should the operations be continued through the season, on the scale indicated by General Gaines's requisitions, a million of dollars will

probably be required for the service of this department alone.

I have the honor to be, sir, your obedient servant,

TH. S. JESUP,
Quartermaster General.

The Hon. Secretary of War,
Washington City.

War Department, *May 5*, 1836.

Sir: In consequence of the intimation contained in your note of this date, I beg leave to observe that the request for an appropriation of $1,000,000, for the protection of the frontier, in my letter of yesterday, was submitted to, and approved by, the President.

Very respectfully, your obedient servant,

LEW. CASS.

Hon. C. C. Cambreleng,
Chairman Committee of Ways and Means, H. R.

Mr. CAMBRELENG was in hopes that the House would agree to go into committee on this measure to-day.

The bill was then read twice, committed, and, together with the correspondence, ordered to be printed.

MAIL CONTRACTS.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported, without amendment, the joint resolution from the Senate to change the time of making contracts for the transportation of the mail.

Mr. C. moved that it be read a third time.

Mr. GRANGER asked for some explanation of the proposition.

Mr. CONNOR explained, in a few words, the object of the resolution. At present, the mail contracts were made to terminate on the 1st of January, and the fiscal year of the Department ended on the 1st of July. The resolution gave the Postmaster General the power to extend the contracts from the 1st of January to the 1st of July, so as to make the contract and fiscal year terminate at the same time hereafter. This would add to the convenience of all parties concerned.

Mr. GRANGER doubted the propriety of legislating an extension of existing contracts, and thereby excluding all competition.

The resolution was then passed.

PUBLIC LANDS.

Mr. CASEY, from the Committee on the Public Lands, reported the following resolution:

Resolved, That the bill to "graduate the price of the public lands, to make provision for actual settlers, and to cede the refuse lands to the States in which they lie," be made the special order of the day for the 17th, 18th, and 19th of this instant; and that it take precedence on those days over all other business, unless sooner disposed of.

Mr. VINTON moved to amend the resolution by inserting, after the word "*Resolved*," the words "That the bill from the Senate to distribute the proceeds of the sales of the public lands, and to grant lands to certain States, and"—so as to include this bill also in the special order, and to give it precedence over the bill named in the resolution of the Committee on the Public Lands.

Mr. PATTON moved to lay the resolution and amendment on the table.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on the motion; which were ordered, and were:

Yeas—Messrs. Adams, Bean, Beaumont, Bockee, Bouldin, Bovee, Brown, Buchanan, Burns, Bynum, Cambreleng, N. H. Claiborne, Cleveland, Coffee, Coles, Connor, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Efner, Fairfield, Farlin, Fowler, Fry, W. K. Fuller, J. Garland, Gillet, Glascock, Grantland, Haley, J. Hall, Hamer, Hawes, Holsey, Hopkins, Howard, Huntington, Ingham, J. Jackson, Jarvis, J. Johnson, R. M. Johnson, B. Jones, Kennon, Kilgore, Klingensmith, Lansing, Laporte, G. Lee, J. Lee, Leonard, Logan, Loyall, Lucas, A. Mann, J. Mann, J. Y. Mason, W. Mason, M. Mason, McKay, McKim, McLene, Miller, Morgan, Muhlenberg, Owens, Patterson, Patton, F. Pierce, Phelps, Pinckney, Joseph Reynolds, Roane, Rogers, Seymour, Sickles, Sutherland, Taylor, Thomas, J. Thomson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Ward, Webster, Weeks, T. T. Whittlesey—91.

Nays—Messrs. C. Allan, H. Allen, Anthony, Ashley, Bailey, Bell, Bond, Boon, Briggs, W. B. Calhoun, Campbell, Carr, Casey, G. Chambers, Chapman, Childs, J. F. H. Claiborne, Clark, Corwin, Crane, Darlington, Denny, Dunlap, Evans, Everett, Forester, French, P. C. Fuller, R. Garland, Granger, Graves, Grayson, Grennell, Griffin, H. Hall, Hardin, Harlan, Harper, S. S. Harrison, A. G. Harrison, Hazeltine, Henderson, Hiester, Hoar, Hunt, Huntsman, Ingersoll, W. Jackson, Janes, Jenifer, C. Johnson, H. Johnson, Kinnard, Lane, Lawler, Lay, Lewis, Lincoln, Love, Lyon, Martin, S. Mason, Maury, McCarty, McComas, McKennan, Mercer, Morris, Parker, Pettigrew, Potts, Rencher, John Reynolds, Ripley, Robertson, Russell, W. B. Shepard, Slade, Spangler, Sprague, Standefer, Steele, Storer, Taliaferro, Underwood, Vinton, Washington, White, E. Whittlesey, L. Williams, S. Williams—91.

The House being equally divided, the Speaker voted in the affirmative, making the vote yeas 92, nays 91. So the resolution and amendment were laid on the table.

RELIEF OF THE DISTRICT OF COLUMBIA.

The House proceeded, in further execution of the special order of the 1st of April, to the consideration of the "bill for the relief of the corporate cities of the District of Columbia.

The amendments agreed to in the Committee of the Whole were concurred in.

Mr. SHEPARD said, having been the organ of the committee through whom the bill for the relief of the several District cities was reported, he was aware the usual forms of legislation required he should state the reasons which induced the committee to report the bill in its present shape. He purposely forbore, on yesterday, making any reply to the very extraordinary arguments which had been brought against the bill, because he thought it was manifestly injudicious to enter into a general argument in that "dead sea," a Committee of the Whole, where the short space of time allowed to the District business would have been exhausted without the possibility of any final result. I regretted very much, on yesterday, to perceive the source whence the strongest and most fatal opposition to this bill arose. Gentlemen seem not disposed to discuss the business of the District upon its own exclusive merits, but they go abroad in search of every odious topic to hurl upon its devoted head. One gentleman from Kentucky [Mr. Hawes] labored with much zeal to assimilate this measure of relief to the Maysville road bill. I was not fortunate enough to discover the pertinency of the gentleman's argument, or what analogy there exists between the principles of this bill and the Maysville road bill, which was vetoed by the President. That gentleman was so kind as to give something he called advice to the individuals composing the Committee for the District of Columbia. The service on that committee, Mr. Speaker, I am fully aware, is extremely unpleasant—not because I am indisposed to discharge any duties which may be assigned me by this House, but because it is disgusting to witness the temper and spirit with which the most ordinary appropriations for the benefit of this District are received in this House. Some gentlemen seem to regard the Dis-

trict of Columbia with the same feelings with which doctors regard animal life; they look upon it as a rat under an exhausted receiver, where political empirics may display the quackery of legislation, without any danger of being called to an account for their folly or their ignorance.

I am conscious, sir, from several years' experience, that every thing concerning the District of Columbia meets upon this floor a coldness and indifference which nothing but imperious necessity can justify any people in submitting to; nor do I believe they would now seek the assistance of Congress if they could perceive any other escape from the ruin that is impending over them. At the commencement of the present session the President of the United States, in his annual message, pointed out the condition of this District, and called upon Congress to examine into its affairs, and, if possible, apply a remedy.

The Committee for the District of Columbia, to whom this portion of the message was referred, together with memorials from the several corporations, entered upon the investigation of the situation of the District, fully aware that the duties imposed were of a character not voluntarily to be sought. A consciousness, however, of the obligation imposed upon every member on this floor, by the constitution of the United States, to stand towards the District of Columbia in its unfriended condition *in loco parentis*, inspired every member of the committee with a sincere desire to apply such a remedy as would best relieve their distress, and, at the same time, encounter the fewest prejudices on this floor. Animated with these views, the joint committees of the two Houses of Congress agreed to recommend to their respective bodies, for reasons set forth in their reports, the entire assumption of the Holland debt of the District. It is unnecessary now to go into any reasons to show why the committee, in reporting the bill alluded to, thought that the Congress of the United States, in exercising the duties of a paternal Legislature towards its seat of Government, might, while it was just, be likewise liberal. It is sufficient for me to say that the bill now before us does not extend to this District that relief which the committee thought it was justly entitled to.

The bill before us is nothing more than the hard bargain of a rich capitalist with a needy borrower; who, although he gets ample consideration for the use of his money, is very careful to take the very best security, where poverty but not the will consents.

The memorialists of the three corporations (Washington, Georgetown, and Alexandria) represent themselves as in the same condition, arising from similar causes; in a word, they are in a state of hopeless, remediless bankruptcy, unless we pass the bill now before us.

The committee, in commencing their inquiries into the condition of the several cities of this District, assumed it as a principle that they all stood in precisely the same relation towards the Federal Government. The whole District is the residence of the Government, and each part is alike entitled to all the advantages, as it has to bear the disadvantages, of that position. The constitution of the United States has not made it obligatory on the Government to occupy, for its purposes, so large a space as precisely ten miles square. Since, however, it has been thought proper to embrace within the limits of this District the corporations of Georgetown and Alexandria, the committee felt themselves bound, by every principle of justice and fair legislation, to embrace those two corporations within the measure of their relief, particularly when they had individual and substantial claims upon the justice and liberality of Congress.

Before proceeding into any particular statement concerning the bill before us, I will make a remark which justice to the Committee for the District of Columbia requires. That committee found not only the financial state of the District in a deplorable condition, but likewise its municipal regulations and laws requiring the attention of Congress. Attempts have been frequently made, for several years past, to call the attention of Congress to these subjects; but, from a variety of causes, they have hitherto failed. The committee found the finances of the District the paramount cause of its distress, and to their relief have directed their principal attention.

The bill before the committee is a bill from the Senate, adopted by that body as a substitute for the bill agreed upon by the joint committees of the two Houses, and, as I before observed, less liberal towards the District than, in the opinion of those committees, it deserved. This bill proposes to assume, on behalf of the United States, the evidences of the debt due by the District cities to individuals in Holland; and to pay out of the Treasury, to the corporate authorities of the city of Washington, the sum of $449,650 08; to the authorities of Georgetown, the sum of $116,795 48; and to the authorities of Alexandria, the sum of $114,640 44.

The second section of the bill provides that the several cities, previous to receiving the aforesaid sums, shall deposite at the Treasury of the United States the stock held by them in the Chesapeake and Ohio Canal Company, which stock shall be vested in the Secretary of the Treasury, for and on behalf of the United States, to be held in trust, for the purpose of receiving the dividends, giving to the corporations the right of redemption, within ten years, provided they repay to the United States the amount which shall be paid under and by virtue of this act.

The only objections which have been brought against this bill, and which I think worthy of any attention, were against refunding to the several cities the $681,000, of costs, interest, and charges, incurred by them in consequence of the Holland loan.

The other was a constitutional objection to the General Government holding stock, either in fee or in trust. I do not intend to enter the bog of a constitutional discussion on this floor. I supposed the District of Columbia was considered a sort of exclusive place, where every gentleman's peculiar notions might flourish and take root, without annoying his neighbor. Those persons who can see no distinction between the powers of the Government within this District and within the States can be convinced by no argument in my power to produce. It has been said, what right has Congress to take money from the Treasury of the nation for the benefit of the District? I will answer such a question by asking a similar one: what right has Congress to take money from the District for the benefit of the nation? And yet we have seen, (exclusive of the sums collected under the direct tax) that the Federal Treasury has received since 1815, from the district of Alexandria alone, more than two millions of money by means of duties on merchandise imported.

Is the Federal Government to be towards the District a lion's den, with all the tracks going in, but none coming out? I presume neither the States of Maryland nor Virginia would have had the cruelty, or been unnatural enough, to have ceded any portion of their population to a Government which would have avowed the principle, that it was under no moral obligation, or possessed no power, to aid the resources, to relieve the distress, or to provide for the welfare, of those who were so unfortunate as to be consigned to its care.

If a majority of this House should believe themselves placed in this unfortunate position towards the people of this District, their situation is not only deplorable but remediless; they will be under the dominion of a Government not permitted to sympathize with their distress, omnipotent for evil, yet worthless for all the valuable purposes of life.

The objection which has been made to paying the in-

terest and charges already incurred by the cities is equally untenable. The principle of this bill is this: that Congress take the stock of the cities, and repay what that stock has cost. Certainly gentlemen are not disposed to drive a Jew's bargain with these people, to speculate upon their necessities. If we are justifiable in taking the stock, we certainly ought to pay what that stock has cost; otherwise we take from these corporations all their available property, and leave them with a heavy debt incurred by this property. For should the bill pass upon the principle of taking the stock, and paying the foreign debt alone, we leave the corporations embarrassed with heavy debts incurred by this stock. The city of Washington will owe $250,000 of money, borrowed to make up the deficiency on this Holland loan, exclusive of other costs and charges. And, sir, if we take their stock without paying all the debts incurred by the city in consequence of this stock, we leave them sheared of their protection against the bitter blasts of hopeless poverty.

Were we to be governed in our legislation exclusively by the consideration that the United States should take ample and sufficient security for all pecuniary appropriations towards the seat of the Federal Government, I sincerely believe that that security will be found in the pledge of stock provided for in the second section of this bill. I think, sir, the most timid legislator which this body contains should have all his fears for the public money allayed, when it is invested in such securities as have hitherto been thought sufficient by the shrewdest money-changers of the country. Those persons who are willing to bound their ideas of the duties and obligations of a Government within the narrow limits of a broker's shop, will here find that the Government will have that security for the loan it is proposed to make, which individuals, guided by pecuniary interest alone, have thought amply sufficient. And, sir, can we ask any more than this? Is the Government of the United States to play the part of an avaricious yet timid miser, who, while his soul is racked with the desire of increasing his store, sits gloating with tremulous anxiety upon his countless hoards? It is an opinion now entertained in this section, by those persons who have the best sources of information, that when the Chesapeake and Ohio canal is completed to Cumberland, in the neighborhood of the coal mines, the stock will be worth its entire cost to the original proprietors. If this opinion is a sound one, this Government, in the pledge which is offered them, have ample security for every dollar which it is proposed to appropriate to the benefit of these corporations. And that this opinion is a sound one, we have the assurance of Maryland, whose example is worthy of our imitation. This State, with an enlightened liberality which does her councils great credit, has lately loaned the Chesapeake and Ohio Canal Company two millions of dollars; and she has now a scheme before her, which her energy and intelligence will doubtless adopt, of loaning the company three millions more, with a fixed determination of completing this great work.

I mention these facts, because I think they sustain the position which I have assumed, that, should this bill pass, Congress will have the best assurance which prudence and intelligence can give them that their money will be safe.

The District cities tell us they are poor; they are insolvent; that they feel utterly incapable of sustaining themselves under the accumulated burdens which now rest upon them; they ask from the only Government to which they can look in the extremity of their distress, not to distribute alms from the public granary, but to relieve their industry from the incubus that weighs upon it, by loaning to them, for a few years a small portion of our superfluity.

That the great embarrassment of this District is chiefly to be attributed to the large subscription it made to the canal, is doubtless true; it is likewise true, they were imprudent in over-estimating their resources, in attempting to execute a work which more properly belonged to the adjoining States, or to the nation. It is unnecessary, however, at this time, to dwell upon this part of the subject; their error was one common to our young country, where energy and enterprise far outstrip the plodding caution of the capitalist. Our country may well be proud that, with the resources of infancy, she has undergone and is undergoing the labors of mature age. Invigorated by the energy of her democratic institutions, the people of the United States are far outstripping, in the career of improvement, much older nations, who have buried their talent, and are now looking on with amazement at the rapid flight of their young competitor. And if the people of this anomalous District have caught a few sparks from the flame which is blazing around them, we at least ought not to be too harsh in our censure upon the rashness of their undertakings.

Apart from the consideration that the stock in the canal, owned at this time by the several cities, and which the bill proposes to take as a security for loaning to the District the entire sum that stock has cost them, there is another consideration which deserves the attention of this body. We have before us a letter from the Secretary of the Treasury, in which he says "he has received from the mayor of the city of Washington the unpleasant information of the inability of the corporation of Washington to provide for the payment of the interest on the loan contracted under the act of May 24th, 1828. Your letter has been submitted to the President, and he has, with great regret, felt obliged, in compliance with the provisions of that act, to appoint Tench Ringgold, Esq. the collector of the tax imposed thereby to meet the deficiency which at present exists; that deficiency amounts to the sum of $27,500, as will be seen," &c.

It is unnecessary, at this time, for me to enter very particularly into the consideration of the provisions of this act of the 24th of May, 1828; it is sufficient to observe that, under the authority of this act, the District cities contracted their Holland loan; that the United States stand pledged to the Holland creditors, that if the money is not paid by a certain time, the President of the United States shall cause the money to be collected and paid into the public Treasury for the benefit of the Holland creditors. The President has already been notified that Washington, the principal debtor, is unable to pay. The question now arises, and it is one inevitably forced upon us, from which there is no escape—shall we stand by and see the District of Columbia, the capital of the United States, sold at public auction, for the benefit of a foreign creditor, and the President of the United States compelled, by your own law, to play the auctioneer of the capital of his country? Or, sir, shall we interpose, as the guarantor of the debt, take the security, and discharge the claim? Were I disposed to appeal to the American feeling of this House, I have no doubt that I would meet with but one response; but I am not disposed to urge this bill upon any such grounds; I think the District has merits of a higher character, which need only to be understood to be admitted.

It might here be very properly asked, what authority had the Congress of the United States to lay, or, if you please, to authorize others to levy, a tax upon the cities of the District of Columbia of $1,500,000, to cut a canal through the Alleghany mountains? This certainly is not a tax for municipal purposes; and I presume it will not be contended that Congress have a right to authorize taxes within the District for any other purposes, unless those taxes are uniform throughout the Union, which the constitution of the United States has made indispensably necessary to every species of taxation.

The same construction of the powers of Congress which would authorize a local tax within this District to cut a canal in the States of Maryland and Virginia, would justify a similar tax for deepening the Mississippi. I will not enlarge upon this point; I will simply say that, were I a citizen of this District, in possession of property acquired since the passage of the law of May, 1828, and the collector appointed under that act were to attempt to sell my estate, I would at least inquire of some man learned in the laws and constitution of my country if my doubts were well founded. Assuming, however, sir, that the act of 1828 is perfectly correct, the question arises, and it is one which presses upon our immediate attention, has not this Government incurred responsibilities towards the foreign creditors, which in justice and fairness it is bound to discharge? I think it clearly has. The act of Congress and the correspondence of the Secretary of the Treasury unequivocally place the Federal Government in the condition of guarantor of the Holland debt. The Secretary of the Treasury, Mr. Rush, writes a letter to the Messrs. Barings, in which he says, "the nation is interested in the object to which the loan looks, and has provided, in various ways, for the advancement of that object, as well as pledged means under its control for the security of the loan. I deem it proper, with the approbation of the President of the United States, to make the inquiry. With what good faith this Government, since its adoption, has fulfilled all the pecuniary obligations that have attached to it, need not be said on this occasion." He further says in his remarks on the loan, addressed to foreign capitalists: "Here is a specific fund set apart for him (the foreign capitalist) by the law; it consists of real and personal estate within the metropolis of the nation; this estate is subjected to taxation in full and adequate amount to pay the debt. The Government of the United States is the superintending power, bound to watch over his interests, to see that he is paid, and paid punctually."

It is, however, unnecessary to rummage over the voluminous and tedious correspondence of the former Secretary to find expressions calculated to induce the belief on the mind of the foreign creditor that this Government would guaranty the debt. The act of Congress contains, in my opinion, sufficient for that purpose, and such would be the decision of any respectable court of competent jurisdiction. Unless some five years' service on this floor has obliterated from my mind every remnant of law I ever possessed, I hazard nothing in saying, that where an individual, by letter of credit or otherwise, induces a money-lender to loan money to a friend, that individual becomes a guarantor of the solvency of his friend. Whether this is sound law or not, the foreign creditors so considered it, and upon that view of the subject loaned their money; and, sir, I hope, when the contingency arises, this Government will never degrade itself from the high position it now occupies among the nations of the earth, by availing itself of a legal quibble to avoid a pecuniary obligation.

If, then, this Government stand towards the foreign creditors as guarantors, what is our condition if the District cities should be unable to pay? At all events, the President of the United States is compelled, by the act, to attempt the collection of this debt. The cities have told us they have struggled on as long as it was in their power to do. In the language of the Washington memorial, "the whole revenue of the city is insufficient to pay the debts of the city. They are no longer able to open and improve streets, to light the city, to erect bridges, or even to provide for the poor." In a word, as corporations, they are insolvent.

Can this debt be collected by the President? The debts of the corporation of Washington amount to $1,886,079 50; of Georgetown to $405,148 49; of Alexandria to $477,776 96; total about $2,769,000. This sum will have to be collected almost entirely from the real estate within the three corporations. Mr. Rush, in his communication to the foreign creditors, when he seems urging all the arguments which his ingenuity could array to give them confidence, estimates the assessed value of the property within the city at $5,000,000; Georgetown and Alexandria $2,500,000 each; total value $10,000,000. This assessment was doubtless at that time beyond the real market value of the property. It was a time of great prosperity, of high hopes and flattering expectations. Since then, property has declined in this District more than fifty per cent. in value; since the commencement of the session of Congress, property of the most elegible character has sold at public auction in this city at about one fourth of its original cost. Suppose, however, the unencumbered value of the real estate within the District is really $5,000,000, when we take into consideration the numerous mortgages and deeds of trust which, in all embarrassed communities, spread over the land, I ask this committee if they think it possible for the President to collect near $3,000,000 from such a community? I am told, from the best authority, that the thing is impracticable. Who are to become the purchasers? The foreign creditors? No. They say: We look to the Government. They know very well that the people of the United States will not permit themselves to be denounced as cheats and impostors, in every money market throughout Europe, for so paltry a sum as this foreign debt. The credit of all American stocks would suffer thrice that amount. Are the individuals of the United States to become purchasers? No. They will not buy a perpetual debt; the Government, then, must enter the field, and in every lot buy a lawsuit. A condition of things not to be desired by any man who consults either economy or the character of the country.

It is frequently said, but I think without a sufficient investigation of this matter, that the people of the District brought this burden upon themselves, and should be made to bear it.

At the time of the passage of the act of 1828, internal improvement seemed to be the settled policy of the Government; such was the opinion in this section of the country.

The canal, as originally contemplated, was to be but thirty feet wide and three feet deep; a dimension within the capacity of those who commenced it. The attention of the Government was attracted to it, and it was called and considered a great national work. The act of 24th May, 1828, subscribing $1,000,000, was passed upon condition that the dimensions of the canal should be enlarged. To this cause (the enlargement of the canal) is to be attributed the delay in the execution of the work, the exhaustion of the funds of the company, and the consequent embarrassment of the proprietors. If the Government, by the enlargement of the canal, has embarrassed the concern, and subsequently withdrawn from it, she ought at least to put her poor copartners in the same condition they would have been in had they never been associated with her.

One of the cities of the District, (I mean Alexandria,) with a prudence and a caution justified by her situation, previous to adventuring so large a part of her capital in the Chesapeake and Ohio canal, awaited the action of Government, and subscribed her money under the impression, and almost, I might say, full understanding, that the Government regarded this work as belonging to the nation.

Is it fair, then, can it be called just, towards the poorer copartners, for the Government to withdraw from this undertaking, and upbraid them with precipitancy in this business—with having gone beyond their means? I do

not intend, Mr. Speaker, to discuss the propriety or impropriety of this Government's withdrawing from such undertakings; with that this bill has nothing to do; nor do I wish to advert to such matters further than the necessity of the argument compels me.

Should, however, the considerations which have been mentioned fail in producing conviction upon the minds of the members of this House that they ought to pass this bill, there are claims against the Government, set forth in the memorial of the citizens of Washington, which will more than justify the passage of this bill. Exclusive jurisdiction over the District of Columbia was transferred to the General Government, under the firm belief that the people of the United States would exercise towards their capital those enlarged and liberal views which are usual in older communities. It was not supposed that the building up of a city, suitable to the wants of this great people, would be left to the private exertions of individuals who might be attracted here either by business or pleasure; still less was it contemplated that the Government would ever desire to speculate upon the necessities of this occasional population. It was, at all events, supposed, by those persons who were concerned in selecting this spot for the General Government, that the city of Washington had a residuary interest in the proceeds of the sales of those lots which had been transferred to the Government by the original proprietors, which interest was to be appropriated to the improvement of the city.

Upon this principle, how does the account stand between the Government and the city? Four fifths of the building lots within the city of Washington, exclusive of large reservations, were given to the Government by the original proprietors, under an impression which existed at the time, that the Government would lay out and build up a city, which would make the remaining fifth which the proprietors reserved extremely valuable. This anticipation has been most wofully disappointed. The extensive plan of the city, united with the contracted policy of the Government, has blasted all these reasonable hopes. Let us for a moment institute an account between the General Government and the District. The States of Maryland and Virginia gave with the District $192,000; there has been received into the Treasury of the United States, in money, from the sale of city lots, the sum of $741,024 45; unsold lots are estimated at $109,200. If we estimate the public grounds and reservations by the same principle, the Government will have received from the grants and donations made to it upwards of $2,600,000, a large portion of which was received prior to 1794. It is usual with those persons who come to Washington, and who are dazzled by the magnificence of the public buildings, to conclude that the Government has been very liberal to its capital. Such, however, is not the fact. To an inquiry which was put to the Commissioner of Public Buildings in December, 1834, he made the following reply: "The whole amount paid by the Government, from its commencement to the present time, for the city, and not for its own accommodation, has been $430,822 30; half of this sum was for a court house, jail, and penitentiary; expenditures which, necessarily, were to be borne by Congress as the exclusive Legislature of the District; the remainder was nearly all expended for the grading and paving of Pennsylvania avenue—a thing which I very well recollect (having been in Congress at the time) was done more for the convenience of members transacting public business than for the citizens. Thus we see, Mr. Chairman, if we institute an account between the Government and the city, we can pass this bill, and not have discharged all our obligations.

There is yet another burden which, in my opinion, has been unjustly thrown upon the corporation of Washington, and which, alone, should induce this House to pass this bill. The United States have always claimed exclusive and entire property over the streets of this city; their right has been sustained by a decision of the Supreme Court; and the United States can enclose the streets whenever it pleases the Congress so to do, without the slightest regard to the interest or convenience of the citizens. A right most usually carries with it a corresponding obligation. Now, the right of the Government to the soil of the streets of Washington, when coupled with that of supreme jurisdiction, would seem to imply an obligation on the Government to open and improve these streets. Such, however, has not been the course of the Government.

In the plan originally adopted by the Government for the city of Washington, the width and extent of the streets were upon a scale vastly beyond the necessities of any resident population which will ever be found here. All this was done, doubtless, to gratify the national pride, or for the accommodation of the public; why, then, should not the nation pay for these expensive tastes? The United States are much the largest proprietors of real estate within the city, and yet they have paid comparatively nothing towards the improvement of the streets, whilst individual owners of lots have paid more than $400,000. I can perceive no principle which can justify the Government in not paying, along with other proprietors, for the improvement of streets, which add to the value of her property, particularly when the Government claims the right of property in the streets, points their direction, and describes their dimensions; matters over which the corporation of Washington can exercise no control, but are the mere passive instruments of the people of the United States. If the United States had paid in proportion to the property they hold within the city, as other proprietors have done, their proportion towards the expenses of the city, since the year 1802, would at this time amount to more than the entire debt of the corporation. And certainly, Mr. Chairman, there can be no proposition presented, which is less objectionable, or which should more readily receive the assent of every just mind, than this: that the Government should pay, along with other proprietors, for the improvement of streets, which are indispensable to the accommodation of the people of the Union, and the officers who are transacting the business of the nation.

The citizens and corporation of Washington have, with a public spirit which does them great credit, effected much; they have struggled on under great disadvantages; they have built up a city for the accommodation of the people of the United States, under the most adverse circumstances, with but little aid from its wealthiest and largest proprietor, without foreign commerce or internal trade. The largest and richest city in your Union, the emporium of your foreign commerce and domestic trade, the reservoir of the national wealth, has this session had one branch of her industry relieved by this body from a great calamity; the metropolis of the nation appeals to you, in a case of unprecedented embarrassment, to take all her available property, and relieve her from a debt which she is utterly unable to pay.

Mr. Chairman, I have urged the various claims which I think this District has upon the justice of Congress, because I think, from their variety and soundness, every gentleman on this floor may find ample justification in voting for this bill.

The people of this District stand towards the Congress of the United States in a peculiar and unusual position; they are excluded from many of those rights which are dearest to an American bosom; they have no voice upon this floor; to them we owe no responsibility; they can make no appeals but to our justice and humanity; and I

do trust that, in an American Congress, that appeal will never be made in vain.

When the Government was poor and needy, individuals aided you in building up the metropolis of the nation; now, when you are rich, when you are embarrassed with your wealth, render to those who were your friends in your hour of need a simple act of justice.

I have thus endeavored, Mr. Chairman, as succinctly as I could, to present to the members of this body the various points of view in which this bill claims their consideration. If we intend to do any thing for the relief of this community, we cannot, in justice and fairness, do less than pass the bill before us; less than this will be merely to protract for a few years the sufferings of this people. Let us at once wipe off every semblance of pecuniary responsibility of the Government for the District of Columbia, and for the future beware how and for whom we endorse. Whatever we intend to do should be done quickly; the tax-gatherer is abroad, and busily at work; "*bis dat qui cito dat.*" Should you refuse to pass this bill, you devote this District to inevitable destruction; you will drive beyond its limits every man who is not content to live by the daily dole from your Treasury: pass it, and you will no longer view, from this Capitol, deserted streets and decaying villages; you will open the District of Columbia to the industry and enterprise of your countrymen, and Washington will yet realize the expectations of its immortal founder, and become the heart of a great community, sending back to the remotest extremity of the Union the life-blood of the nation, invigorated and purified by the healthy action of the centre.

Mr. HARDIN spoke at length in opposition to the bill. He contended that there was no debt due to the District or to the cities, and that point he wished to show. He said the amount proposed to be paid was a million and a half of principal, besides to repay all the expenses and interest which had accrued in consequence of the manner in which they chose to obtain the loan. He believed the principal was payable in Holland; and if so, the difference of exchange would make it equal to $1,650,000 in the United States. The interest, he knew, was payable there semi-annually, and would amount to $82,500 per year; and, taking the principal and interest alone, the whole amount would be twenty-seven or eight hundred thousand dollars; which, with the amount of $680,000 they were called upon to pay for expenses previously incurred, and for back interest, would amount in the whole to the sum of thirty-two or thirty-three hundred thousand dollars.

He said, if the Government owed this amount, he was willing to pay it; or, if they owed any part, he was willing to pay such part; but he would say they did not owe one cent. He then reverted to an error in the memorial, which showed, he said, a want of candor, or a want of knowledge. It was said that the proprietors surrendered the land of the District for the nominal price of five shillings; but he read the articles of agreement to show that the Government paid for all they wanted for public use twenty-five pounds per acre, and said that the sum thus paid was more than the whole land was worth before; and, besides, that the remaining land was equally divided between the Government and the proprietors. This public, he said, was the people of the United States, and not the people of the District, and, on account of the original purchase of the land, the people of the District had no claim on the public.

The District had no claims on the score of the original division of the lots, for that was fairly made at the time. They had none on the score of streets, for the proprietors gave in the land for the streets, in consideration of the great increase of value in the land they should retain; and from that time they had become highways for the use of every one. He then spoke of other matters, such as the support of civil government, and of the judicial department, which, he said, in all the States, were maintained at the expense of the States, by direct taxes on the people, such as poll taxes and taxes on property. In this respect the District was favored. The judges of the Supreme Court of the United States, who hold their sessions here, were paid out of the public Treasury. The District judges, who stand in the same relation to this District as the judges of State courts do to the States, were also paid by the United States, and the marshal and district attorney also were paid by the General Government. A jail, court-house, and penitentiary, had been built at the public expense; and upwards of twenty thousand dollars had been annually expended here for the administration of justice alone. The support of civil government in the city had cost, from the beginning, not less than $450,000.

Then, $150,000 had been expended in erecting a free bridge; $130,000 had been sunk in that mud hole of a canal to Georgetown; and he had been told that the corporation kept that money, and paid out their own paper, which was worth only forty cents on the dollar. For the avenue $130,000 had been paid; for buying out the old bridge, in order to make the new one free, $150,000 had been paid; to scrape the mud out of the river had cost $100,000; and $100,000 had been sunk in the Potomac for an aqueduct. The whole amount paid for such purposes for the District would be more than $2,300,000.

He said the claim must rest upon some other ground than that of a pretence even that the Government owes the District a debt; and then he went on to argue that the Government has no more power to pay the debts owing by the people of this District than to pay those owing by the people of Virginia or Kentucky. If it was contended that Congress has power to make internal improvements in the District, he would say that this money was expended out of the District. The debt of the District the House was called upon to pay was contracted for money spent on a canal which hardly enters the District, but is extended to the west from Georgetown.

He objected also to taking stock in this way, and contended that it was not one of the granted powers in the constitution. This, he thought, being a proposition to take the stock as security merely, and at second-hand, was nothing more nor less than stockjobbing. If any body could show him the difference between this taking stock as a pledge and ordinary stockjobbing, he would worship him, and he should be his great Apollo.

If, then, it was put on the ground that the claim was on account of a debt, he would say it was no debt. If it was put on the ground that it was for expenditures for improvements in the District, he would say it was not spent in the District. If it is said the loan is made on a security of stock, then he would say that the Government were stockjobbers.

The stock, he remarked, was at forty cents on the dollar, and it had gone through the whole limestone country, the lumber and grain countries, and did not yield a dollar of profit; and he did not think, if it could be continued to the coal country, that it would be any more profitable, because the coal was not required in any great quantities in this region, and because it was not of a quality which would be used while better coal is at hand.

After some general remarks on the character of the people of the District, and their want of energy and industry, Mr. H. concluded by saying that he knew they were embarrassed, but they became so of themselves; and, as other people are obliged to do, they ought to get out of it themselves; and, so far as he was concerned, his constituents should not be called upon to pay the debts of a people for which they had received no premium for a guarantee.

Mr. THOMSON, of Ohio, then moved to amend the bill by striking out the following from the second section: "To be held in trust to receive the dividends on;" and also the proviso, as amended, "That if the said corporate authorities of said cities shall, within ten years after the passage of this act, repay to the United States the amount which shall be paid under and by virtue of this act, for and on behalf of the said corporate authorities, respectively, with all interest that may accrue on payments made by the Government, deducting whatever dividends may have been received by the United States, the Secretary of the Treasury for the time being shall thereupon transfer and deliver up the said stock to the said corporate authorities so repaying the said sums to the United States."

And on the amendment Mr. T. asked the yeas and nays; which were ordered.

Mr. MERCER rose and replied at length to the gentleman from Kentucky, [Mr. HARDIN,] in support of the bill.

Mr. UNDERWOOD rose to make a statement. He and several of his friends were willing and desirous to pay the Holland debt, and take the stock of this company; but they would do no more. If the friends of the bill, then, would so modify it as to present it in that form, he and some others would most cheerfully vote for it; if not, they would be compelled to vote against it. It was for the friends of the bill to decide whether they could get along with the bill without those votes. He would merely add, that the motion then made by the gentleman from Ohio [Mr. THOMSON] was the same Mr. U. had himself made yesterday, and he should of course vote for it.

Mr. HAWES moved a call of the House: lost.

The question was then taken on the amendment, and it was decided in the affirmative: Yeas 89, nays 67.

So the amendment was agreed to.

Mr. JARVIS then renewed the motion, submitted by him in Committee of the Whole, to strike out the whole of the first section of the bill, with the exception of that part of it authorizing the Secretary of the Treasury to assume, on behalf of the United States, the Holland debt; and also to strike out the wohle of the second section. Mr. J. gave notice that, if this motion should prevail, he would follow it up by a further amendment, having reference to interest.

Mr. GRAVES moved to amend the amendment by striking out all the first section, from the word "and," in the 10th line, and retaining the second section as it was in the original bill, by which the United States would assume to pay the Holland debt, and take the stock of the corporations in the canal; which Mr. JARVIS accepted as a modification.

Mr. HAWES asked for the yeas and nays on the amendment; which were ordered; and the question being taken, it was decided in the affirmative: Yeas 108, nays 61.

Mr. JARVIS then moved still further to amend the bill by appropriating a sum not exceeding $75,000 for the payment of interest now due on the Holland loan and remaining unpaid.

Mr. LINCOLN suggested that the interest was provided for already in the first section of the bill, by assuming the whole of the obligations.

Mr. JARVIS replied, that the first section contemplated only the interest thereafter accruing, and not the interest already due.

The amendment was agreed to, without a count.

Mr. PARKER renewed, in a modified form, the amendment offered by him in Committee of the Whole yesterday; which was lost.

Mr. PARKER then asked for the yeas and nays on the engrossment of the bill; which were ordered.

Mr. HARDIN moved to strike out the word "deposite," in the second section, and insert the word "transfer;" and, at the suggestion of Mr. UNDERWOOD, strike out the words "in the hands of the," and insert the word "to" the said Secretary of the Treasury; which amendment was agreed to.

Mr. LINCOLN moved to substitute the word "and" for "Provided, always," in the second section; which was agreed to.

Mr. MASON, of Ohio, then moved to strike out the whole of the second section.

Mr. EVANS thought it doubtful whether, as the bill then stood, the corporations of the three cities would accept it, and resign their stock. If any of them should refuse it, the Secretary of the Treasury would have no power to proceed.

Mr. GRAVES explained the effect of the bill in its amended form, and remarked that the gentleman from Maine need be under no uneasiness on account of either of those cities refusing to accept the bill.

The amendment of Mr. MASON was then rejected, without a count.

The question was then taken on ordering the amendments of the House to the Senate's bill to be engrossed, and it was decided in the affirmative: Yeas 109, nays 71.

So the bill was ordered to a third reading at this time.

Mr. HOPKINS remarked that, as this was a very important bill, he would ask for the yeas and nays on its final passage.

Mr. JOHNSON, of Tennessee, said there were not less than sixty members absent; and, as the bill appropriated no less than a million and a half of dollars out of the public Treasury, he should like to see a full House voting upon it. He therefore moved an adjournment. Lost.

The call for the yeas and nays was then also lost.

Mr. HAWES moved a call of the House, and asked for the yeas and nays; but the House refused to order them, and the motion was lost.

Mr. MANN, of New York, then renewed the call for the yeas and nays on the final passage of the bill; which were ordered, and were as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Bockee, Borden, Briggs, William B. Calhoun, George Chambers, Childs, Cleveland, Corwin, Cramer, Crane, Cushing, Darlington, Denny, Doubleday, Everett, Fairfield, Farlin, Fowler, Fry, Philo C. Fuller, Rice Garland, Glascock, Granger, Grennell, Haley, Joseph Hall, Hamer, Harlan, Samuel S. Harrison, Hazeltine, Henderson, Hiester, Hoar, Hunt, Huntington, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Jenifer, Richard M. Johnson, Henry Johnson, Kilgore, Kinnard, Klingensmith, Lane, Laporte, Lay, Leonard, Lincoln, Logan, Love, Lucas, Job Mann, Moses Mason, Samson Mason, McKennan, McKim, Mercer, Miller, Milligan, Muhlenberg, Page, Patterson, Pettigrew, Phelps, Phillips, Pinckney, Potts, Ripley, Schenck, William B. Shepard, Shinn, Sickles, Slade, Spangler, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, Turner, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Webster, White, Elisha Whittlesey, Thomas T. Whittlesey—102.

NAYS—Messrs. Ash, Bean, Beaumont, Bond, Bouldin, Bovee, Brown, Buchanan, Bunch, Bynum, Carr, Carter, Casey, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Coffee, Coles, Connor, Cushman, Deberry, Dromgoole, Dunlap, French, William K. Fuller, James Garland, Gillet, Grantland, Graves, Hardin, Hawes, Haynes, Holsey, Hopkins, Joseph Johnson, Cave Johnson, Benjamin Jones, Lansing, Lawler, Luke Lea, Lewis, Lyon, Abijah Mann, Martin, William Mason, Maury, McComas, McKay, McLene, Morris, Owens,

Parker, Patton, Franklin Pierce, Peyton, John Reynolds, Joseph Reynolds, Roane, Robertson, Rogers, Russell, Seymour, Augustine H. Shepperd, Sprague, Standefer, John Thomson, Toucey, Sherrod Williams—69.

So the bill was passed.

Mr. W. B. SHEPARD said, as there were a number of other important bills connected with the District of Columbia, he moved that to-morrow be set apart for their consideration.

Mr. HOAR suggested Monday.

Mr. JARVIS remarked that they had now been in session seven hours, and had appropriated a million and a half of money, and he therefore moved an adjournment; but he withdrew the motion, to enable the Speaker to present the following executive communication:

To the Senate and House of Representatives:

Believing that the act of the 12th of July, 1832, does not enable the Executive to carry into effect the recently negotiated additional article to the treaty of limits with Mexico, I herewith transmit to Congress copies of that article, that the necessary legislative provisions may be made for its faithful execution on the part of the United States.

ANDREW JACKSON.

WASHINGTON, *May* 6, 1836.

Mr. JARVIS then renewed his motion, and

The House adjourned.

SATURDAY, MAY 7.

GENERAL APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, and by unanimous consent, the House went into Committee of the Whole on the state of the Union, (Mr. BRIGGS in the chair,) on the amendments of the Senate to the general appropriation bill.

Various unimportant amendments of the Senate were agreed to.

The committee disagreed to the Senate's amendment appropriating $1,600 for extra compensation to the judge for the eastern district of Florida, for services during the years 1835 and 1836, under the act of 23d of May, 1828; and also $800 for extra compensation to the judge of the middle district of Florida. This was one of the clauses in the original bill, as reported by the Committee of Ways and Means, and which was struck out by the House.

The Senate had struck out the item of $500 for translations for the Digest of Commercial Regulations of Foreign Countries, and inserted in lieu thereof an appropriation of $5,883 34 for completing the said Digest, by printing a third volume thereof. The Senate had also struck out the appropriation of $20,000 towards the Documentary History of the American Revolution.

Mr. CAMBRELENG briefly explained that the last item had been struck out in the Senate by general consent, as the money would not be due till December next; and it was presumed that, by that time, a satisfactory arrangement could be made in reference to the work, or Congress assured of the propriety of its continuance. At all events, it would be quite time enough to make the appropriation next session. The Senate had, however, added an amendment, which had been rejected by the House, for printing the third volume of the Commercial Digest of Foreign Countries; and Mr. C. sent to the Clerk's table a letter in explanation of the contents of the proposed volume, from the author, (John Speare Smith,) and also a letter from the Secretary of the Treasury on the same subject.

Mr. CAVE JOHNSON inquired if the act authorizing the publication of this work provided also for the third volume.

Mr. SUTHERLAND replied that the act contemplated only two volumes, but it had been found impossible to embrace the compilation within that compass. The act, however, provided for the completion of the work, and its intention ought to be carried into effect.

Mr. CAMBRELENG called for a division of the question.

The two branches of the amendment were then severally agreed to, without a count.

The Senate's amendment appropriating the sum of $15,606 for printing and binding the eighth volume of the second series of Gales & Seaton's American State Papers, and providing for the distribution of the same, was then taken up.

Mr. CAMBRELENG stated the fact that this appropriation was in execution of an act of Congress.

Mr. CAVE JOHNSON inquired how much money had been paid on account of this work. He distinctly recollected that when the last appropriation was made, it was said that it would be enough to complete the work. Now $15,000 more were asked, and he supposed next session we should be again called on for $15,000.

Mr. WHITTLESEY, of Ohio, replied that there was no such understanding when the last appropriation was made.

Mr. CAVE JOHNSON said this work had already cost the country $155,000, or more.

After a few remarks from Messrs. GRENNELL, McKAY, and TOUCEY, the amendment was agreed to: Ayes 83, noes 42.

The other amendments of the Senate were then agreed to.

On motion of Mr. CAMBRELENG, the committee took up and considered the amendment of the Senate to the bill providing for the salaries of certain officers therein named, (extra clerks,) and for other purposes; and the amendment was concurred in.

On motion of Mr. CAMBRELENG, the committee then rose; and the bills, as amended, were reported to the House.

The House then concurred with the Committee of the Whole in their agreement to the Senate's amendment to the last-mentioned bill, after a verbal amendment thereto being inserted, at the suggestion of Mr. McKAY.

The amendments of the Senate to the civil service bill were then taken up, as reported from the Committee of the Whole, and severally concurred in, with the exception of the one disagreed to in committee, and that relating to Gales & Seaton's American State Papers; which last was excepted to by Mr. CAVE JOHNSON.

The amendment providing for extra compensation to the judges of the eastern and middle districts of Florida was then taken up, the question being on concurring with the Committee of the Whole in their disagreement thereto.

The amendment was briefly discussed by Messrs. OWENS, CAMBRELENG, CAVE JOHNSON, and PARKER, when the report of the committee was concurred in, and the Senate's amendment disagreed to.

The Senate's amendment in relation to Gales & Seaton's American State Papers being then taken up,

Mr. C. JOHNSON asked for the yeas and nays; which were not ordered; and the amendment was agreed to.

An amendment of the Senate to the joint resolution of the House, to suspend the sales of lands acquired by the treaty of Dancing Rabbit creek, was, on motion of Mr. BELL, taken up and concurred in.

DEFENCE OF THE WESTERN FRONTIER.

Mr. CAMBRELENG asked the consent of the House to go into committee on the bill reported yesterday, for the defence of the western frontier of Louisiana.

Mr. WASHINGTON hoped the gentleman would

permit several bills relating to the District of Columbia to be disposed of to-day.

Mr. CAMBRELENG would cheerfully aid the gentleman in the attainment of his object on Monday next.

Objection being made, Mr. C. moved to suspend the rule for the purpose stated. The bill which he proposed to take up ought not to be postponed. He had warned the House a month since that, in relation to the defence of the frontiers, they were slumbering upon their posts, and before another month elapsed they would find that he had not been mistaken.

Mr. HOPKINS asked for the yeas and nays on the motion to suspend the rules; which were ordered, and were: Yeas 155, nays 34, as follows:

YEAS—Messrs. Adams, C. Allan, Anthony, Ash, Ashley, Bailey, Bean, Bell, Bockee, Boon, Bouldin, Bovee, Brown, Bunch, Burns, J. Calhoon, Cambreleng, Campbell, Carr, Carter, Casey, Chapman, N. H. Claiborne, J. F. H. Claiborne, Clark, Cleveland, Coles, Connor, Craig, Cramer, Cushing, Cushman, Deberry, Denny, Dickerson, Doubleday, Dromgoole, Dunlap, Everett, Fairfield, Forester, Fowler, French, Fry, W. K. Fuller, J. Garland, R. Garland, Gillet, Glascock, Granger, Grantland, Haley, J. Hall, Hamer, Harlan, Harper, S. S. Harrison, A. G. Harrison, Hawes, Haynes, Hiester, Holsey, Hopkins, Hunt, Huntington, Huntsman, Ingersoll, Ingham, J. Jackson, Janes, Jarvis, R. M. Johnson, C. Johnson, H. Johnson, B. Jones, Judson, Kennon, Kinnard, Klingensmith, Lane, Lansing, Lawler, Lay, G. Lee, J. Lee, Luke Lea, Lewis, Lincoln, Logan, Loyall, Lucas, Lyon, Abijah Mann, J. Mann, Martin, J. Y. Mason, W. Mason, M. Mason, Maury, McCarty, McComas, McKay, McKennan, McKeon, McLene, Milligan, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, F. Pierce, James A. Pearce, Pettigrew, Peyton, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Russell, Schenck, Seymour, A. H. Shepperd, Shields, Shinn, Sickles, Slade, Sloane, Sprague, Standefer, Storer, Sutherland, Taylor, J. Thomson, Waddy Thompson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, Weeks, White, T. T. Whittlesey, S. Williams—155.

NAYS—Messrs. H. Allen, Bond, Briggs, W. B. Calhoun, George Chambers, Corwin, Crane, Darlington, Evans, P. C. Fuller, Grayson, Grennell, Griffin, H. Hall, Hardin, Hazeltine, Hoar, Howell, Kilgore, Laporte, S. Mason, Mercer, Morris, Phillips, Potts, Reed, Rencher, Spangler, Steele, Taliaferro, Underwood, Vinton, E. Whittlesey, Lewis Williams—34.

More than two thirds voting in the affirmative, the motion was carried, and the House accordingly went into committee, (Mr. WHITTLESEY, of Ohio, in the chair,) on the following bill:

A bill making an appropriation for the defence of the Western frontier.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one million of dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses attending the defence of the Western frontier of the United States, to be expended under the direction of the Secretary of War, conformably to the provisions of the act of April fifth, one thousand eight hundred and thirty-two, making appropriations for the support of the army.

Mr. CAMBRELENG sent to the table the following documents, embracing all the information in possession of the committee on this subject:

WAR DEPARTMENT, *January* 23, 1836.

SIR: I am instructed by the President to request that you would repair to some proper position near the western frontier of the State of Louisiana, and there assume the personal command of all the troops of the United States who are, or may be, employed in any part of the region adjoining the Mexican boundary. It is not the object of this order to change at all the relations between yourself and the military departments under your command, but to require your personal presence at a point where public considerations demand the exercise of great discretion and experience. An order will be issued without delay to the sixth regiment to proceed to Fort Jesup; and this force, together with all the troops in the western part of Louisiana, and in the country west of the Mississippi and south of the Missouri rivers, will be employed, as occasion may require, in carrying into effect the instructions herein communicated to you.

The state of affairs in Texas calls for immediate measures on the part of the Government. It is the duty of the United States to remain entirely neutral, and to cause their neutrality to be respected. It is possible that the course of operations may induce one or the other of the contending parties to approach the boundary line, with a view to cross it in arms. Should you find that the case, you will give notice to the persons having the direction, that they will not be permitted to cross into the territory of the United States; and, if they attempt to do so by force, you will resist them with the means at your disposal.

The 33d article of the treaty with Mexico requires both the contracting parties to prevent, "by force, all hostilities and incursions on the part of the Indian nations living within their respective boundaries, so that the United States of America will not suffer their Indians to attack the citizens of the Mexican States," &c.

The provisions of this article you will cause to be faithfully enforced, and the various Indian agents and the officers of the Indian department in that region will be required to furnish you any information in their power in relation to this matter, and to carry into effect any instructions you may give. You will make known to the various Indian tribes inhabiting that part of the United States the determination of the Government to prevent any hostile incursions into Texas; and you will call upon the chiefs to inculcate upon all their people the necessity of carefully abstaining from any violation of the abovementioned engagement; and you will not hesitate to use the force at your disposal for the purpose of preventing any such designs.

Should you be called upon by the civil authority for any aid towards enforcing the laws having relation to the neutral duties of the United States, you will render such assistance as the laws prescribe.

You are requested to communicate freely with the district attorneys of both the districts of Louisiana, on all points of law connected with the execution of the instructions, and those officers will be desired to give you their opinion.

I will thank you to keep me advised of any occurrences in that quarter, which it may be important for the Government to know.

Very respectfully, your obedient servant,

LEW. CASS.

Maj. Gen. E. P. GAINES,
Memphis, Tennessee.

HEADQUARTERS, WESTERN DEPARTMENT,
Baton Rouge, March 29, 1836.

SIR: I have received, not until yesterday, an official copy of your letter of the 23d January last, by which I have the satisfaction to be informed that the President of the United States has been pleased to direct my immediate attention to the western frontier of the State of

Louisiana, in order to preserve, if necessary, by force' the neutrality of the United States.

In obedience to this order, I have availed myself of the very first steamboat conveyance that offered after the receipt of the order, to proceed to Baton Rouge, to enable me to ascertain to what extent the arsenal there will furnish ordnance and ordnance stores, for the prompt and efficient discharge of the duties assigned to me; duties which derive great importance from the recent accounts of the sanguinary manner in which the Mexican forces seem disposed to carry on the war against our Texian neighbors. (See the accompanying newspapers.)

Upon this point, I take leave to suggest whether it may or may not become necessary, in our own defence, to speak to the contending belligerants in a language not to be misunderstood; a language requiring force, and military supplies, that shall be sufficient, if necessary, for the protection of our frontier, to check the savage operations of each of the contending parties, who may forget to respect the laws of war and our neutral rights—until Mexico and the United States shall, by an adjustment of existing difficulties, put an end to scenes of barbarism which cannot but endanger the peace and other vital interests of all the parties concerned—scenes of barbarism disgraceful to all who enact or tolerate them.

Should I find any disposition on the part of the Mexicans or their red allies to menace our frontier, I cannot but deem it to be my duty not only to hold the troops of my command in readiness for action in defence of our slender frontier, but to anticipate their lawless movements, by crossing our supposed or imaginary national boundary, and meeting the savage marauders wherever to be found, in their approach towards our frontier.

Should I err in this view of the subject, in which, however, I am convinced the laws of war and of nations will bear me out, I shall be gratified to receive the views of the President, to which I shall scrupulously adhere. But if it be otherwise, if my own views are approved, I shall, in that event, have occasion for some mounted volunteers, with other forces sufficient to make my numerical strength equal to the estimated strength of the contending parties, which is now estimated at eight thousand to twelve thousand men, (8,000 to 12,000 men.) With a view to this possible contingency, I have already desired the fine legionary brigade, commanded by General Planche, of the city of New Orleans, to calculate on the possibility of my having occasion to invite the legion to join me. To this suggestion the officers of the legion, with the gallant general at their head, cordially responded that they would, whenever it might be deemed necessary, promptly repair to the frontier, delighted with the opportunity of carrying into effect the wishes of the President, under whose immediate command many of these officers had distinguished themselves in the defence of their city and State in the memorable triumphs of December, 1814, and January, 1815.

All which is submitted for the information of the President of the United States.

With profound respect,

EDMUND P. GAINES,

Major General commanding.

To the Hon. LEWIS CASS,

Secretary of War.

P. S. I arrived at the city of New Orleans at 7 A. M., and departed therefrom on board this steamboat at 7 P. M. yesterday, having taken my passage on board the steamboat the Levant, bound from New Orleans for Natchitoches, and to be at Baton Rouge on the 1st April, Friday next. E. P. G.

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FORT JESUP, LOUISIANA, *April* 25, 1836.

SIR: Your letter of the 29th ultimo was received at the Department a few days since; but I have been prevented by indisposition from giving it an earlier answer.

I enclose for your information a copy of the memorandum of an official conference between the Secretary of State and the Mexican minister, respecting the present state of affairs upon the Southwestern borders of the United States. You will consider as a part of your instructions the declaration made by the Secretary of State, and govern yourself accordingly.

It is not the wish of the President to take advantage of present circumstances, and thereby obtain possession of any portion of the Mexican territory. Still, however, the neutral duties as well as the neutral rights of the United States will justify the Government in taking all necessary measures to prevent a violation of their territory. Recent events induce the belief that the Mexican forces, as well as the inhabitants of Texas, must be in a high state of excitement. In that portion of the country there are many Indian tribes, whose habitual predisposition to engage in war is well known, as is, also, their reckless disregard of any of the claims of humanity. And, from information which has reached the Government, there is too much reason to believe that efforts have been made to induce these Indians to join the Mexican troops. It may, therefore, well be, as you anticipate, that these various contending parties may approach our frontiers, and that the lives and property of our citizens may be placed in jeopardy. Should this be the case, the President approves the suggestion you make; and you are authorized to take such position, on either side of the imaginary boundary line, as may be best for your defensive operations. You will, however, under no circumstances, advance farther than old Fort Nacogdoches, which is within the limits of the United States, as claimed by this Government. But you will please to observe that this permission will not be exercised unless you should find such an advanced position necessary, to afford due security to the frontier, in consequence of the unsettled state of things beyond you.

You will please explain, fully, your views and instructions to any armed parties who may be marching towards you; and should they continue to threaten your position, or to manifest a design of crossing into the United States, you are authorized to attack and repel them.

I have this day, by direction of the President, requested the Governors of Louisiana and Mississippi to call into service any militia force you may find necessary for the protection of the frontiers. This force must be called out for a term of not less than six months from the day they reach their rendezvous, to be discharged at any time by the United States. The necessary means will be furnished to the officers of the proper staff departments, for such supplies as may be required.

I need hardly say that the duty committed to you is one of great importance, as well as of great delicacy; and I do not doubt it will be so executed as to preserve, on the one hand, the proper safety of the frontier, while, on the other hand, as little cause of offence as possible will be given to any foreign authority. I have to request that you would keep me regularly advised of your proceedings.

L. C.

GAINES, *Major General E. P.*

[Copied from the letter-book of the War Department.]

DEPARTMENT OF STATE,

Washington, April 23, 1836.

SIR: In compliance with your request, I have the honor to transmit a memorandum of the substance of what I stated in an official conference, on the 20th instant, with Mr. Gorostiza, envoy extraordinary and

minister plenipotentiary of the Mexican Republic to the United States.

I have the honor to be your obedient servant,

JOHN FORSYTH.

The Hon. Lewis Cass,
Secretary of War.

Memorandum for Mr. Gorostiza, of what was said to him by Mr. Forsyth in their conference on the 20th of April, 1836.

Mr. Forsyth stated to Mr. Gorostiza that, in consequence of the contest in Texas, the movements of some citizens of the United States on the Red river, and apprehended hostile intentions of the Indians in Mexico against the United States, and of the Indians within the United States against Mexico, orders would be given to General Gaines to take such a position with the troops of the United States as would enable him to preserve the territory of the United States and of Mexico from Indian outrage, and the territory of the United States from any violation by Mexicans, Texians, or Indians, during the disturbances unfortunatately existing in that quarter; and that the troops of the United States would be ordered to protect the commissioners and surveyors of the two Governments, whenever they should meet to execute the instructions to be prepared under the treaty of limits between the United States and the United Mexican States. Should the troops, in the performance of their duty, be advanced beyond the point Mexico might suppose was within the territory of the United States, the occupation of the position was not to be taken as an indication of any hostile feeling, or of a desire to establish a possession or claim not justified by the treaty of limits. The occupation would be precautionary and provisional, and would be abandoned whenever (the line being run and the true limits marked) the disturbances in that region should cease, they being the only motive for it.

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Headquarters, Western Department,
Natchitoches, La., April 8, 1836.

Sir: I arrived at this place on the 4th instant, since which time I have received information, from various sources, which leaves no doubt in my mind that a considerable portion of several tribes of the Indians residing within our territorial limits have gone over to the Texas side of the boundary line between the United States and Mexico.

When to this fact is added the reports daily received at this place, that the army of Mexico, commanded by the President Santa Anna in person, is rapidly approaching in this direction, through the centre of Texas; that his plan is to put to death all he finds in arms, and all who do not yield to his dictation; that as soon as he comes to the section of country occupied by the Indians in question on the waters of the Trinidad, or Trinity river, they will unite with him in his war of extermination; and that no boundary line, save such as they find properly guarded with an efficient force, will be sufficient to arrest the sanguinary career of these savages, I cannot but deem it my duty to prepare for action.

For this purpose I have requested of the Governors of Louisiana and Mississippi and Tennessee. each a brigade, and of the State of Alabama, a battalion, making altogether three brigades and one battalion; the whole, or as many of them as practicable, to be mounted, to repair to this place as soon as may be convenient, by battalions or companies.

This force, though not equal in numbers to that which it may be my duty to meet in battle, will enable me at least to secure the confidence of the frontier settlements, and keep them at home to plant their crops; and, moreover, to enable me to inflict summary punishment on such of the enemy by whom they are now menaced as may teach them to respect us, and in future to pay more regard than they seem now disposed to pay to our rights and treaties.

I shall in the course of a few days address to each one of the commanders of the armies in Texas a note, calling their attention to their duties, and apprizing them of the course which I shall pursue towards them, in obedience to orders of the President of the United States, should they approach our boundary, or suffer the Indians near them to commence hostilities. I have notified the Governors of the States to whom I have applied for force that, "should the war in Texas be brought to a close without the apprehended Indian hostilities," the volunteers will in that case "be discharged forthwith."

I have the honor to be, very respectfully,

EDMUND P. GAINES,
Major General commanding.

The Hon. Lewis Cass, *Secretary of War,*
Washington City.

P. S. I enclose a copy of my letters to the Governors of the States above named.

E. P. G.

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Headquarters, Western Department,
Natchitoches, La., April 8, 1836.

Sir: The war in Texas, which has of late assumed a sanguinary and savage aspect, has induced the President of the United States to require a considerable augmentation of the regular force to be concentrated upon this section of the national frontier, to which my attention has been particularly directed. He deems it to be the duty of the United States to remain entirely neutral, and to cause their neutrality to be respected, peaceably, if practicable; forcibly, if necessary.

The thirty-third article of the treaty with Mexico requires both the contracting parties to prevent "by force all hostilities and incursions on the part of the Indian nations living within their respective boundaries, so that the United States of America will not suffer their Indians to attack the citizens of the Mexican States," &c.

The provision of this article I am particularly instructed to cause to be enforced; and I have, pursuant to instructions, taken measures to make known to the various Indian tribes inhabiting that part of the United States bordering on the Mexican territory, on the waters of the Red and Arkansas rivers, the determination of the Government to prevent any hostile incursions into Texas; and have directed that the chiefs be called upon to inculcate upon their people the necessity of carefully abstaining from any violation of the above-mentioned engagements; and I have, moreover, informed them, pursuant to the orders of the President, that I will not hesitate to use the force at my disposal for the purpose of preventing such designs.

I have learned, from several of our citizens entitled to credit, that one Manuel Flores, a Mexican-Spaniard, but for some years past a citizen "of Spanishtown," in this State, near the Sabine ridge, has been lately commissioned by persons professing to act by the authority of the Mexican Government, for the purpose of enticing the Indians in the Western prairies, on our side of the boundary line, to join them in the war of extermination now raging in Texas; and that, with this view, the agent, Manuel Flores, accompanied by a stranger, has lately passed up the valley of the Red river, and has already produced excitement among the Caddo Indians; and I have very recently learned, from several intelligent persons in Texas, and others who have lately been there, that many of our Indians have lately gone over to the Texas side of the line.

These facts and circumstances present to me the important question, whether I am to sit still and suffer these movements to be so far matured as to place the white settlements on both sides of the line wholly within the power of these savages, or whether I ought not instantly to prepare the means for protecting the frontier settlements, and, if necessary, compelling the Indians to return to their own homes and hunting grounds? I cannot but decide in favor of the last alternative which the question presents; for nothing can be more evident than that an Indian war, commencing on either side of the line, will as surely extend to both sides as that a lighted quick-match thrust into one side of a powder magazine will extend the explosion to both sides.

But I am without mounted men, the only description of force which will enable me to interpose an effectual check to the daily increasing danger which every intelligent citizen with whom I have conversed upon the subject apprehends; and apprehending, as I do, that the loss of a month, which it would require to submit the case to the decision of the President of the United States, might prove fatal to a large portion of the frontier inhabitants, I have determined to solicit of your excellency a brigade, to consist of two or three battalions of volunteers, as many to be mounted as practicable, to repair to this place as soon as may be convenient, by companies or battalions, to receive their arms and camp equipage at New Orleans and Baton Rouge. There may be eight or ten companies to a battalion.

Should the war in Texas be brought to a close without the apprehended Indian hostilities, the volunteers will, in that case, be discharged forthwith.

With perfect respect, I have the honor to be your obedient servant,

EDMUND P. GAINES,
Major General commanding.

To his Excellency,
GOVERNOR of Louisiana,
" of Mississippi,
" of Alabama,
" of Tennessee.

WAR DEPARTMENT, *May* 4, 1836.

SIR: I have received your letter of the 8th ultimo, and, in answer, have to inform you that the President will sanction the employment of whatever force may be necessary to protect the Western frontier of the United States from hostile incursions. This Department has addressed the Governors of the States of Louisiana, Mississippi, Tennessee, Kentucky, and Alabama, requesting them to call into service such militia force as you may find necessary in carrying into effect the instructions heretofore given to you. The theatre of operations is so distant from the seat of Government, that much must be intrusted to your discretion. The two great objects you have to attain are, first, the protection of the frontiers; and, secondly, as strict a performance of the neutral duties of the United States as the great object of self-defence will permit. You will take care and do no act which can give just cause of offence to any other Government; and, on the other hand, you will not permit the frontiers to be invaded by any forces whatever. I have to request that the militia you may call out may not be more numerous than the exigencies shall seem to require. They ought to be called into service for six months, if practicable, to be disbanded whenever not wanted; and you will take care that all due economy is preserved, as well in your disbursements as in the preservation and accountability of the public property. It is very necessary that you should communicate freely to the commanding officers of any military parties who may approach the frontiers, and inform them of the nature of your orders. You will state to them that, while you have been ordered to that quarter with a view to the execution of the neutral obligations of the United States, you have also been instructed to defend their territory from any invasion whatever, and that this duty will be executed under any circumstances that may happen. You will also remonstrate against the employment of any of the Indians. Although the dictates of humanity forbid the use of this species of force, which cannot be restrained, yet the right of the United States to remonstrate against its service rests upon other grounds. From the habits and disposition of the Indians, it is well known that the Power employing them cannot restrain them within the legitimate rules of warfare. If they approach the frontiers, they will pay no regard to a mere imaginary line, but will carry on their depredations and massacres wherever inhabitants can be found, and where there is no force to oppose them. It is altogether idle to expect that in such a state of things the frontier settlements of the United States would not be exposed to these calamities. Whoever calls the Indians into service, and induces them to approach our border, cannot but be aware of the consequences that must ensue. All this you will represent to the proper officers, and you will use your best exertions to keep such a force from marching towards your position; and if they do so, to repel and disperse it.

Very respectfully, your most obedient servant,
LEW. CASS.

Major General GAINES,
Fort Jesup, Louisiana.

Mr. CAMBRELENG stated that it appeared from the New York papers that Santa Anna had made an official report of the capture of the Alamo, and demanded an additional force of 5,000 men and 400 officers, and a further supply of money, to carry on the war in Texas.

[A paragraph was read by the Clerk from the Courier and Enquirer, making the above statement, and commenting upon it in the strongest language of reproach.]

Some remarks having been made upon the phrase "our Texians," as read by the Clerk in the communication of General Gaines,

Mr. CAMBRELENG said it should be read, "our Texian neighbors;" the last word having been accidentally omitted in the copy.

While the paragraph of the newspaper above referred to was being read,

Mr. VINTON objected to having the comments of a newspaper read, to influence the action of the House; but, by consent, the Clerk read on.

Mr. STORER called for the reading of a paper referred to by General Gaines, which had influenced his opinions, and which ought to be known to the House.

Mr. CAMBRELENG said he had laid before the House all the papers and information in possession of the Government, and he had done so that the House might perceive the necessity of acting promptly, and he hoped they would pass the bill that day.

Mr. UNDERWOOD rose to make a proposition. He thought this a matter of great importance, and wished to understand the subject fully before he acted upon it in any way. He wished to have an opportunity to read the documents, and was not prepared to act without. He then proposed that the committee should rise, and have the documents printed. He further wished a call upon the Secretary of State, for he wanted to know what the Mexican minister said in reply to the remarks of the Secretary. It seemed, he said, that the President had authorized, and the commanding general had declared his intention to take up a position within what was heretofore considered the boundary line; and he thought such an act must lead to bloodshed and war.

Mr. CAMBRELENG repeated that he knew it was a matter of importance; and, with a view that the commit-

tee might act promptly, he had brought the documents to the House.

Mr. ADAMS wished to ask of the chairman of the Committee on Foreign Relations, or of the chairman of the Committee of Ways and Means, whether the report of Santa Anna is in possession of the Government, which was commented on by the editor of the newspaper in New York.

Mr. CAMBRELENG said he had no more information than what had been read in the House. His object in bringing the newspaper was to show that the force is not sufficient on that frontier to protect our citizens in case of aggressions either by the Mexicans or Indians.

Mr. ADAMS also wished to know why the remarks of the minister of Mexico were not sent to the House. He wished to know whether it was to be inferred that the Mexican minister, during the conversation, stood mute and said nothing; whether, in fact, there is any thing to communicate. He thought, if there was any thing more, it was important that it should be communicated to the House, and they ought to be in possession of full information. He asked this the more readily, because a most extraordinary power had been given to the commanding general to cross the boundary of a foreign State, and take up a position within their territory: in other words, to make war. And after the communication of this intention had been made to the minister of Mexico, we are not told what answer he made. If he has not assented to the act—if he stood mute—then there is an after consideration of great moment, as to the constitutional power of the President; whether he could authorize a commanding general to march into a foreign country; to commit an act of hostility; to make war, without the consent of Congress.

This was the first intimation the House had had of the views of the Executive upon this subject of a Texian war, except what was said some days since by the chairman of the Committee of Ways and Means, that the country was already at war upon that frontier, and that gentlemen need not be troubled about a disposition of the surplus funds, for they would all be wanted there. Now, he said, he was not disposed to go into a war with Mexico, or any other nation, unless in defence of our frontier; but he could see something more than defence in the authority given to the commanding general; it was an invasion of the territory of a Government with which we were on terms of amity. If the commanding general has been thus authorized, there ought to be more complete and perfect information before the House. He had said that this was the first day on which any communication had been made of this authority to invade a friendly territory, or of the difficulties between this State and Mexico; and he asked if it was not fitting and proper, when the House was called upon to declare war, that it should be informed how the cause arose.

Have we not (he asked) seen American citizens going from all parts of the country to carry on the war of this province against the United Government of Mexico? Who were those who fell at Alamo? Who are now fighting under the command of the hero of Texian fame? And have we not been called upon in this House to recognise Texian independence? It seems that General Gaines considers this a war in defence of "our Texians."

[Mr. CAMBRELENG explained that the word "neighbors" was left out.]

Mr. ADAMS said he understood it. This was (he continued) an intention to conquer Texas, to re-establish that slavery which had been abolished by the United Mexican States. If that was the case, and we were to be drawn into an acknowledgment of their independence, and then, by that preliminary act, by that acknowledgment, if we were, upon their application, to admit Texas to become a part of the United States, then the House ought to be informed of it.

He should be for no such war, nor for making any such addition to our territory. Taking it altogether, it was very important that this and the other House of Congress should have all the information that could be given upon the subject; and that report of Santa Anna, which was described in a New York paper, not in the language of the Governor of Mexico, but in the comments and insinuations of an editor, ought to be before House. Why, said he, there is in New York a high and confidential officer of the Government of the United States, who has called upon the people to go and enter Texas, and to aid in carrying on the war against the Government of Mexico. To be sure, this is contrary to the order of the President to the commanding general. He has directed him to preserve strict neutrality; and he (Mr. A.) would have been glad if the other parts of the instructions had been consistent with that.

He hoped Congress would take care to go into no war for the re-establishment of slavery where it had been abolished; that they would go into no war in behalf of "our Texians," or "our Texian neighbors;" that word was quite enough; and that they would go into no war with a foreign Power, without other cause than the acquisition of territory.

Mr. PEYTON said he had heard with no less astonishment than deep mortification the remarks of the gentleman from Massachusetts. He thought it strange, that now, while we hear of danger to our frontier from savages, and a Mexican army no less barbarous, that the gentleman should have introduced the subject of slavery into the discussion. He should have thought he might have held his hand for a moment, till some means could be provided for defending the helpless women and children of the Texian frontier from the most horrible butcheries. The gentleman [Mr. ADAMS] had seen great cause of alarm in the power conferred on the commanding general to take up a position suitable for defence. Sir, (said Mr. P.,) that gentleman does not know, living, as he does, far from such scenes, the vivid feeling of Southern and Western men, when they see hostile savages hovering around their villages, and lying in ambush, to murder the old and the young, both by stratagem and in open fight. All the power granted was to take up a position on either side of the line, as might be necessary; and, he asked, is an imaginary line to be so much respected in a time of peace, when a most unmerciful tyrant, at the head of an army of savages, threatened our frontier? What respect would he have for that line, when pursuing the conquered Texians, and taking vengeance upon all he could reach? And it is when we hear this news of savage warfare, when our people are driven from their villages, which are burnt, and when they are caught and butchered—it is in this emergency, that the gentleman from Massachusetts wanted to stop to ask what the Mexican minister might think of it. He (Mr. P.) in such a case would not stop to ask what any minister might think of it. He would defend the people instantly, and at every hazard. On our side of the line, here marked, there might be no proper position for an efficient defence; but on the other the fort may be impregnable, and its possession might afford certain security to the frontier. The gentleman says, if the commanding general goes there, it will be making war upon a sister republic. He did not so understand it.

Mr. HAMER remarked that the whole tract in which the fort of Nacogdoches stood was in dispute; and there was a clause in the instructions of the President that General Gaines should, in no case, go beyond the line which we claim to be the true line.

The clause having been read,

Mr. BELL said, if the House was not prepared now to act fully upon the subject, the most strict course

would be to grant what was recommended on the responsibility of the Executive. In addition to the clause which directed the commanding general not to cross the line we claim to be the true one, he was directed, if the commissioners now acting should decide that Nacogdoches was not in our territory, immediately to recede. He considered it not proper now, or at any time, to discuss the question introduced by the gentleman from Massachusetts, and he hoped that exciting topic would be left out of consideration. They had not, he remarked, any positive information of the commencement of hostilities; but it was known that agents were at work among the Indians who might excite them to hostilities; should that take place, we have no sufficient armament to protect the frontier, or prevent their encroachments even to the Mississippi; and he would ask if it was proper, under such circumstances of alarm, to stand quietly by and refuse to put at the control of the President the sum of a million for necessary security? Or should any man stop now to discuss the question of slavery, or of addition to our territory, when the cause of humanity calls for prompt relief?

It would seem proper, before any final decision of the question involved in the subject, that the House should have more full information; but that could be had hereafter; and now he was willing to put a proper supply at the control of the Executive, to enable him to meet any expected emergency.

Mr. THOMPSON, of South Carolina, said that now General Gaines had no proper force or supplies to resist the threatened depredations upon our frontiers; and he asked if the House could hesitate about making an appropriation, or about making it on the instant. This was a subject, he said, upon which he was much excited, for he was aware of the extreme exposure of the frontier settlements.

Mr. T. said he had information from a gentleman of high character, just returned from a residence of some months in Mexico, that the prospect of a war with this country was the most common topic of conversation; that Mexican officers of high standing habitually talked of the easy conquest of Louisiana; that nothing more was necessary than to approach the confines of that State, and proclaim emancipation, and that the work would be accomplished by the insurrectionary slaves. Santa Anna is now within two days of Natchitoches; thence to New Orleans is only two more. Let him seize our arms in the arsenal at Baton Rouge, and excite and arm the slaves, and what scenes of horror and atrocity may not be looked for. He could not envy any man his feelings who should, under all these circumstances, refuse to take all proper measures for the security of our frontier. He desired to protect the Southern frontier from the combined atrocity of a Spanish, Indian, and African army.

Mr. T. alluded to the most inopportune introduction into this debate of the subject of slavery, by the gentleman from Massachusetts; a subject always exciting beyond any other. He asked if the gentleman thought it wise or safe to refuse the proper aid and protection to the country, because it might lead to an addition to the political power of the slave States. That gentleman had negotiated away Texas; it was natural that he should be disposed to guaranty the peaceable enjoyment of what he had conveyed. It was said, at the time that treaty was made, by the enemies of that gentleman, that a leading motive for ceding to Spain this valuable territory was to prevent the addition which it would make to the slaveholding interest. Mr. T. had not joined in those charges, but he regretted that the gentleman, by his avowal to-day, should have furnished such strong evidence of the existence of such feelings on his part.

Mr. ADAMS said this was not the first time since he had had the honor of a seat in this House, nor the first time this session, that, when he had made any remarks, his observations were not answered by a replication to his arguments, but by personal attacks upon him, the individual. The rule of the House was, that gentlemen should confine themselves to the question before it, and not indulge in personalities. He had heretofore sat in silence and heard these attacks, for the reasons that, though he had a right to occupy the attention of the House upon the business before it, he had no right to occupy it for himself.

Gentlemen seemed to infer, from what he had said, that he was going to oppose the appropriation. He had not said so. He wanted more information. When we found ourselves involved in war, as if a thunderbolt had fallen from a clear sky, he wanted to know the cause of it; and when he had asked a question of the chairman of the Committee of Ways and Means, he was answered by a personal attack. The gentleman [Mr. THOMPSON] says (while the Mexican minister is residing here under the hospitality of the country, and secure by the laws of nations) that he is an able man, and a great intriguer; and that he is intriguing against the United States. Was that proper? asked Mr. A.; or was it an answer to his inquiry, why the Mexican minister's answers were not given by the Secretary of State? Another gentleman [Mr. PEYTON] gives a very pathetic picture of the distresses of the people on the frontier; but that was not an answer to a call for information. He (Mr. A.) would vote for millions upon millions—as much as that gentleman; he would pour out the whole Treasury, if it were necessary, for the defence of that frontier; but he wanted to know why he was called upon to do it, and to have all the requisite information. He had objected to the order to the commanding general, which authorized him to invade the territory of a friendly Government; and it was no answer to say that it was a disputed boundary. By the laws of nations every thing in dispute must, during a contest, remain *in statu quo;* and any act taking possession of the disputed territory is an act of hostility.

Mr. A. then adverted to the intimation that he had negotiated so as to exclude Texas from our border with a view to the abolition of slavery; and he would tell the gentleman [Mr. THOMPSON] a little of the history of that transaction. When he negotiated the treaty settling the boundary between the United States and Mexico, he acted by the instruction of Mr. Monroe; and nothing was done, not a line of the treaty written, but in accordance with the directions of James Monroe. And he (Mr. A.) was the last man in the cabinet who assented to the treaty with the boundary as now established. He was for including Texas; and was the last member of the cabinet, he would repeat, who assented to the treaty with the present boundary in it. And he would further inform the gentleman that, by direction of James Monroe, before the treaty was signed, he (Mr. A.) took it to General Jackson, he being then in this city, and asked him if it ought to be signed with that boundary, and he said, yes. General Jackson had the treaty before him with that boundary, and approved of it; and he (Mr. A.) did at last, and reluctantly, assent to it. He then asked if the gentleman's insinuations were answered.

Mr. THOMPSON was glad that he had given the gentleman [Mr. ADAMS] an opportunity of setting himself right before the country on a subject upon which injustice has certainly been done him. Mr. T. disclaimed the slightest intentional disrespect to the Mexican minister. He was incapable of such a violation of courtesy and decorum. He had always heard that the Mexican minister was a man of high character and great ability, and he meant the term intriguer in no dispara-

ging sense: all diplomatists were more or less so. He was sure the Mexican minister was a faithful and able representative of the interests of his country.

Mr. RIPLEY contended that, from want of knowledge of the country, honorable members had, in his opinion, been entirely mistaken in relation to the orders which had been given by General Gaines, and the grounds taken by the Secretary of State. That a civil war was now raging in one of the Mexican States, was a fact of public notoriety. That, on the part of Santa Anna, it was waged in the most barbarous manner, neither respecting convention nor parole, was equally notorious. Prisoners, under convention, were murdered in cold blood; nor was helpless age or unoffending infancy spared by this modern Attila. The United States had, in this war, determined upon a strict neutrality between the belligerants. They had acted upon this principle; but, as a neutral Power contiguous to the contending armies, they had, upon every just principle of self-defence, high interests to protect, and duties to perform. They were bound to guard their own territory and to preserve the lives and property of their own citizens. The more sanguinary and faithless the character and conduct of one of the belligerants, the more extensive becomes the measures of prevention which they may take, and which a severe vigilance, or even suspicion, will require.

Now, sir, what is the position of Louisiana? On her frontier a civil war rages, marked, on the part of the Mexicans, with the most atrocious ferocity. If Santa Anna perpetuates his sanguinary schemes, and imbodies hordes of Indians, whose mode of warfare we are acquainted with, and that band of patriots in Texas arrayed for the defence of their homes, their liberty and families, should be stricken down, you have but about six hundred men in the field, under General Gaines, to arrest the progress of Santa Anna and his myrmidons to New Orleans. Under such a state of things, Louisiana would soon be desolated. The country between the Sabine and Mississippi contains but a very small white population. I should say, in the four western parishes below Red river, there are not more than twelve thousand whites to forty thousand slaves. It is an extraordinary fact, from the formation of the country, that, if the Texians and the force of General Gaines should be destroyed, a thousand determined mounted men could dash from the Sabine, cut down the levees on the Mississippi in twenty places, inundate the whole lower country, destroy New Orleans, and retire before a population could be collected to make head against them. Is this romance, or is it sober reality? I appeal to my honorable colleague for the correcteess of my statement.

General Gaines has made a requisition on Governor White, who has declined complying with it, for want of funds, the Legislature not being in session. He has conversed with General Planche, the gallant leader of the legion, who is ready to march with that corps, excelled by none in discipline, chivalry, and patriotism. Let us, then, appropriate the funds which this bill contemplates, and remove the difficulty the Governor has raised—a difficulty on all former occasions unheard of in Louisiana; for she has sprung to arms and fought most nobly, on every requisition of the Government.

The Secretary of State has furnished the views of the President in relation to the course this Government would pursue in case of our neutrality being threatened. They are given in the spirit of honest neutrality, and are at the same time evincive of the clearest military foresight. They show the firm, upright determination of the Government to protect the citizens of our frontiers. After reading these documents, they can repose in quiet; without them, fears and apprehensions would have induced them to instant removal.

We know, sir, that the true Sabine has never been definitely settled. A treaty has been ratified to effect it immediately. We know, too, that the branch running through Nacogdoches is the western branch of those streams which empty into the Sabine lake, and all, united, form the Sabine to the sea. The Sabine lake is only a widening of the Sabine river, in consequence of low lands on the banks, and, in ordinary water, is only one or two miles broad, and is, in fact, the true river. Of course, until the line is run, our Government should not suffer the Mexicans or Texians to take possession of any intermediate point of the valley of the Sabine. The longest branch of the Sabine river is now reported to be many miles westward of the supposed limits of Louisiana. Arkansas has already organized two populous counties above the 33d degree to the westward of the branch which has been considered in Louisiana as the true branch, because we never have explored the country. Arkansas has done it, and organized her counties, being convinced that the western branch is the longest branch of the river, and of course is the true Sabine, within the meaning of the treaty. Texas, also claims this Territory. Now, sir, what is the ground which the Secretary of State has assumed, and which the honorable member from Massachusetts [Mr. Adams] has so severely censured? Why, it is this: that until the line is definitely settled, the valley of the Sabine shall remain neutral ground. We assume no hostile attitude towards the belligerants; but we have rights to be established on the frontier territory. One of these rights is peaceably to explore all these branches of the Sabine river, for the purpose of ascertaining the true line contemplated by the treaty.

If either the Mexicans or Texians attempt, with an armed force, to occupy one of the branches of the Sabine to our exclusion, until the line be settled, our forces (notifying both parties) should advance to old fort Nacogdoches, situated upon the western branch, and hold it until the true boundary is ascertained. Is this not acting in good faith as a neutral? Is it taking any part in the war? Is it not frankly apprizing the Mexican chief that these movements are only provisionally made, to secure our rights in running an undefined boundary, by not allowing any military possession to be permanently assumed? As a military position, it is the only one which can be taken by General Gaines to cover our population from the Mexicans and their Indian allies. Bear in mind, Mr. Chairman, that General Gaines is on the east side of what has been supposed to be the main Sabine, though now it is doubted whether it be so. There are upon the western branch, in advance of General Gaines, thirty or forty miles to the northwest, two counties of Arkansas south of Red river. These two counties cannot be approached at this season with an army by any other route than the road to Nacogdoches; and if General Gaines were to remain in his position, and allow the Mexican force to occupy Nacogdoches, they would, in fact, be between him and these counties he would be called upon to defend. The frontier population would be separated from the army which was to protect it, with the Mexicans and Camanches between.

Suppose, for a moment, the Mexican army posted at Nacogdoches, with a disposition to disturb our neutrality. I do not presume that they possess that disposition; the Government does not presume it; but, in such an event, they could have a small corps of observation upon the road that leads to Louisiana, to prevent information from reaching General Gaines, while the principal force could join the Camanche Indians towards the Arkansas, a distance of fifty miles from Nacogdoches, and our force would be thrown perfectly *hors de combat*. These facts appear to render it indispensably necessary to the safety of our frontier to assume a position which will effectually cover it, until the line be definitively settled, and the boundary fixed by the commissioners.

The honorable member from Massachusetts [Mr. ADAMS] has assumed positions which I cannot believe tenable, both in regard to the statement of the conference of the Secretary of State, with the Mexican minister, and to the letter of General Gaines; wherein he states that, under certain circumstances, he will cross the Sabine with his troops, if it be necessary to protect our neutrality and defend the homes and firesides of our frontier inhabitants; and for this General Gaines is censured by the honorable member.

The facts I have already stated will form for that gallant officer his complete justification. He cannot, in any other way, cover the two counties of Arkansas which are advanced on one of the branches of the Sabine at least fifty miles farther west than the present marked boundary of Louisiana; and is there any thing new in the doctrine that a neutral has a right to cross a neighboring line, if in good faith it be necessary to save her own citizens and territory from desolation?

The honorable member alleges that it would be declaring war. Sir, in the first Seminole war, that honorable member thought otherwise. On that occasion, in one of the most masterly arguments which has ever emanated from the statesmen of this republic, contained in the letter from the honorable member, then Secretary of State, to Don Onis, in vindication of General Jackson, he perfectly established a contrary doctrine, the precise doctrine for which General Gaines contends. That state paper has been published to the world; and it has reflected the highest character not only upon the honorable member, but upon the character of our country.

Much has been said upon this floor respecting the character of the population of Texas, and the nature of this Texian war. I was sorry to hear honorable members denounce that character, and represent this war as produced by land speculators, and by renegadoes to their native land. Sir, it has been my lot, from my contiguity of position, to be acquainted with a numerous portion of the Texian people. I have almost my whole life lived upon a frontier. My first associations were created amidst the log cabins in Maine, on the Eastern frontier, and on the frontier of New York during the war; and let me tell you, that amidst all the inhabitants of a new country that I have been acquainted with, Texas is second to none in the character of her population. Austin, as a lawgiver, and the builder up of civilization, is inferior to none that have figured in forming new communities on this continent.

The people of Texas hold their right of territory by a more just title than most of the States. They acquired it by the colonization of Mexico; by the Mexicans' plighted faith. They have not conquered it from the savages, the native possessors. In the controversy between Spain and Mexico, many Americans were in the ranks, fighting for Mexican freedom. For a short time the Mexican people were grateful, and under this impulse, they made grants of lands to the early settlers of Texas, for the double purpose of settling their wilderness, and for creating a barrier against the Camanches and other Indians of Red river, and to protect the inhabitants of the interior States. They also adopted the constitution of 1834, and the colonization law of the same year; and under these guarantees the Americans emigrated, until 100,000 inhabitants had populated the country. Civilization and intelligence had spread their influences over a country before wild and desolate. In every stage these colonists had been loyal and faithful to the Mexican Government. In their constitution it was provided that, when Texas should contain a population of forty thousand souls, they should be admitted as a State into the Mexican Federal Union. Texas took a census, and found that they had more than that number. They petitioned for admission as a State, and were only answered by imprisoning their agent, Colonel Austin, for nearly two years. Still they did not fly to arms; but when that monster in human shape, Santa Anna, with a profligate priesthood, and a still more abandoned soldiery, struck down the free constitution of Mexico; when they invaded Texas for the purpose of coercing her to the same degraded state, the war cry of liberty was thundered forth. In the same spirit which animated our fathers of the Revolution, the brave, the freeborn Texians resolved to live free or die. Let their beautiful country, now waste and desolate; let their Spartan matrons, now houseless and destitute; let the crimson torrents, poured out at the Alamo, bear witness how nobly they have kept their vow. Yes, sir, at that consecrated spot, another monument has been raised to the soul-stirring spirit of freedom. Greece had her Thermopylæ. In the Alamo, as bright a beacon-light of liberty has been kindled, and Travers and his brave associates will rank on the pages of impartial history with the immortal Leonidas and his Spartan band.

Mr. REED said this was a subject of great magnitude. A war was raging in Texas, but it was a war in which we had no right to engage. Texas was not a part of the United States, nor should we consider those contending there against the Mexicans "our citizens." We may feel unmingled regret for the pain and distress, for the cruelties and barbarities with which the war is prosecuted, and the awful waste and wanton destruction of lives. Our sympathies may be excited, but our responsibility to our country forbids our acting under the influence of such excitement.

Our proceedings this day (said Mr. R.) upon this subject have been novel and extraordinary. Not content with the printed communications from the War Department, which have been laid before us, we have been called upon to listen to the reading from the Clerk's desk of a newspaper comment upon the Texian war. It purports to be a comment upon the despatches of Santa Anna. When the reading of the paper was called for, it was understood by many that the despatches or bulletins of Santa Anna were to be read; but it was not so. We have been called upon to listen to an editorial article, of a violent, extravagant, and highly exciting character. Among other things, the editor states that Santa Anna reports that the dead bodies of 600 Texians were found within the walls of Alamo; this is pronounced false, as it is said the garrison consisted of only 182 men. Again, it is said Santa Anna reports he had 60 killed and 300 wounded; this statement is also pronounced false, and it is exultingly stated, as a matter of history, that Santa Anna's loss in killed and wounded exceeded 1,000. I forbear to notice these newspaper remarks; they are calculated to excite feelings that unfit us for grave and wise legislation. They are not calculated to instruct or enlighten this House, and it is unworthy the character of the Representatives of the United States to give to such editorial comments so much weight and influence. The bill we are considering is an appropriation for the defence of the Western frontier. The papers read are calculated, I will not say intended, to excite our sympathy for the Texians, our indignation against Santa Anna and the Mexicans, and, of course, to involve us in the war with Mexico.

The gentleman from Louisiana, [Mr. RIPLEY,] who has just sat down, has given us a high character of the Texians, and has also undertaken to show that the boundary line between the United States and Mexico is a disputed line. I answer to these remarks that we have nothing to do with the character of the Texians. If they have chosen to abandon this country and its free institutions, and become citizens of Mexico, they had a right so to do. Our citizens have no part or lot in the case, and it would be most cruel and unjust to involve

them in a Texian war with Mexico. I do not pretend accurately to understand the boundary between this country and Mexico; but whether disputed or disputable, the present is no fit occasion for the adjustment of such difficulties. Sir, the excitement in regard to the Texian war, so pervading in the country, and in some places so violent and irresistible, in my opinion receives no small aid and support from speculators. Not content with buying and selling the real and personal estate in their own country, these speculators have pushed their adventures into Mexico; they have purchased vast tracts of land in Texas, and we are to be precipitated into a war with Mexico to perfect the title to their new acquisitions by conquest. When such men cry "sympathy," and "regard for their brethren," and would involve us in war for their protection, they are thinking of their rich lands, great bargains, and splendid speculations. They hope war may ensue; they hope in the end Texas may be ceded to this country, and then they will present the titles they now hold to these lands for confirmation. In that event, we shall see these men, now mixed in the mass of Texian patriots, in their true characters of land speculators in Texas. I, sir, have no sympathy for these speculators; I hope this nation may not be deceived by their pretended love of the Texians, and sensibility and sympathy for their suffering brethren in Texas. There are politicians, also, who are making shrewd calculations as to cause and effect, and power and control; who desire war to acquire Texas. Thus we are threatened with war for the benefit of land speculators and political speculators.

The Clerk has also read, by the order of this House, a letter from General Gaines, communicated by the Secretary of War. I think it an extraordinary letter, illy calculated to inspire confidence in the author. I will read an extract from the letter. General Gaines observes: "Should I find a disposition on the part of the Mexicans, or their red allies, to menace our frontiers, I cannot but deem it to be my duty not only to hold the troops of my command in readiness for action in defence of our slender frontier, but to anticipate their lawless movements by crossing our supposed or imaginary national boundary, and meeting the savage marauders wherever to be found, in their approach toward our frontier."

The above is the language of the commander-in-chief upon the Mexican frontier. To him is intrusted the preservation of peace, under circumstances of great difficulty and the most violent excitement. I have nothing to say of General Gaines as an officer and a man of honor and good intention; but I hesitate not to say I have no confidence in his judgment and discretion; I would not confide to him a trust of such vital importance.

When General Gaines finds a disposition on the part of the Mexicans, or their red allies, to menace our frontier, (and he is the sole judge of the disposition,) he will cross the supposed or imaginary national boundaries, and meeting the marauders wherever to be found, &c. To cross the boundaries would be war, or just cause of war; and yet General Gaines informs us he is about to do so, if he finds a disposition—yes, Mr. Chairman, if he finds a disposition to menace. Such loose expressions show him unworthy the great trust now reposed in him; and yet, if I understand the communication of our Executive, his views are substantially approved and adopted. We have reason to apprehend, under such circumstances, that he has crossed what he calls the supposed or imaginary line, or that he may cross it, and that war may be the result.

The power of making war and peace, by the constitution is delegated and intrusted to Congress alone. I fear we are delegating it to General Gaines, and that we have placed the safety and peace of the country in his keeping. He will anticipate the war, and not stand upon defence, if the enemy but show a disposition to menace. He will not wait for hostile acts or even threats. He will cross the supposed or imaginary boundaries. And what is the difference between real and imaginary boundaries? How far will he advance into the Mexican territory? What security has the country in his wisdom, forbearance, and sound discretion? But he is authorized to occupy the disputed territory; and, as has been well said by my colleague, [Mr. ADAMS,] we have no better right or authority to occupy disputed territory than territory not disputed. If, indeed, there be disputed territory, it does not yet belong to us, and the present is not a fit occasion to seize upon and occupy it.

But this marching with a hostile army into the country of a nation with whom we are at peace is not to be considered a hostile act. Mexico is to consider it pacific. Will they so consider it? Would any nation so consider it?

Let us test the honesty, sincerity, and soundness of these principles by changing the parties. Suppose Santa Anna successful in the Texian war; suppose he should pursue the fugitive army, his opponents, into our country, would it excite no vindictive and sanguinary feelings, no spirit of hostility, no warlike temper? I hope and trust that, whatever may be the result of the war in Texas, he will never think of making such an attempt. But the mere presumption that he may pass the boundary excites the most violent feelings, and calls forth the most intemperate expression of those feelings in and out of this House. Yet some seem to suppose we may pass the line into Mexico; that we may occupy peaceably the dominions of Santa Anna, without giving just cause of war, or even complaint.

One would suppose that such inconsistency could not escape the observation of wise men, upon whom rests an awful responsibility; men situated as we are, influenced, I trust, by no sinister motives or unworthy considerations, and to whom are intrusted the destinies of the nation—the power of making war and peace.

The gentleman from South Carolina [Mr. THOMPSON] has stated a conversation held within a few days with a distinguished gentleman in relation to what he calls intrigues of Mr. Gorostiza, the present Mexican minister in the United States, while resident in Great Britain. As I was present, and participated in the conversation referred to, I feel bound to state that I understood the conduct of Gorostiza, called intrigues, above referred to, to have been representations to the British Government that the United States were endeavoring to obtain Texas, and he was opposed to parting with it, and was using every exertion in his power to prevent the United States from obtaining it.

I believe his conjectures and suspicions, at least as regards a portion of this country, (how far our Government have interfered I know not,) were founded in truth, and I regret that any remark has been made expressing unkind feelings toward the representative of a Government at peace with us.

Again: What reason can be given for presenting to this House a part of a conference between Mr. Forsyth and Mr. Gorostiza, the Mexican minister? Why have we not been favored with the reply of the Mexican minister? When Mr. Forsyth informed that minister, that "should the troops, [viz: the troops of the United States,] in performance of their duty, be advanced beyond the point Mexico might suppose within the territory of the United States, the occupation would be precautionary and provisional, and would be abandoned whenever (the line being run and the true limits marked) the disturbances in that region should cease, they being the

only motive for it," what answer did the Mexican minister make? If he possess one half the talent and sagacity he is reputed to possess, I venture to presume he replied distinctly that we could not be permitted to take possession of and occupy that territory during the war with Texas. But whatever was his reply, it should not have been withheld at this time from this House.

The bill before us (said Mr. R.) is a bill making provision for the defence of the Western frontier. Our country must be protected and defended. I trust every man in this House is ready and willing to appropriate all money that may be necessary for that object. But I protest against adopting the opinions and suggestions which have been presented to us, to induce us to make this appropriation. In voting this appropriation, we sanction no opinions in favor of a war with Mexico. I protest against the course of our proceedings—reading irrelevant papers, only calculated to excite the feelings, and produce an improper influence upon our passions and understandings. I trust that it is not the intention of this House, directly or by implication, to approve of any war in advance. I think it would be better to postpone the subject, as has been suggested, and, I believe, assented to by the chairman of the Committee of Ways and Means, for a day, and have these papers printed; but I perceive it is determined to pass the bill this evening. In voting for the appropriation for the defence of the frontier, we vote for an appropriation for that specific object alone. I protest against delegating power to General Gaines, or even to the Executive, to make war, or to do such acts as necessarily result in war. Yet we are called upon to vote money to support an army to defend the country, which we have great reason to apprehend will assume offensive operations. This army is stationed on the frontier, and in the vicinity of the Texian war; and great efforts, throughout the country, are made to excite the passions and enlist the feelings to engage in that war. These feelings will, no doubt, operate with the greatest violence on the borders and frontier of the country, where our army is stationed. I hope war may be avoided; and, I repeat, I am willing to vote all needful supplies to defend the frontier, but not a dollar that may, by implication, justify war with Mexico; not a dollar to aid or support General Gaines in passing supposed or imaginary lines, or in committing any hostile act which may be just cause of war.

Mr. WILLIAMS, of Kentucky, spoke as follows:

Mr. Chairman: I am in favor of the passage of the bill under consideration forthwith; I am against any delay whatever. What good is to result by postponing the consideration of the subject until Monday, or to any other day? Why not act upon it immediately? Have we not sufficient data to satisfy our minds of the expediency and propriety of immediate action? Are not the communications just read at the Clerk's table, from General Gaines to the Secretary of War, and the responses of the Secretary of War to General Gaines, sufficient to satisfy the most incredulous of the probability of the commission of depredations by the Indians upon our Western frontier, and of their being excited and stimulated to those outrages by the usurper and tyrant, Santa Anna? I am prepared to vote for the sum asked in this bill, or any other sum that may be necessary to provide for the defence of our Western frontier. I am somewhat astonished at the remarks of the gentleman from Massachusetts, [Mr. REED,] in relation to the alarm and fear that he entertains of the probability of a war between this nation and Mexico: the shadow of war, yea, less than the shadow, the mere annunciation of war, appears to alarm the gentleman. Sir, I am not so easily alarmed. I am not afraid to speak, and to speak in favor of war against Santa Anna, if it shall become necessary, Sir, the gentleman from Massachusetts [Mr. ADAMS] has seen fit, in the remarks he has made, to allude to the resolution which I had the honor to ask the House to consider a few days since, proposing an inquiry into the propriety of acknowledging the independence of Texas. The gentleman considered that move as premature, and being calculated in the end to lead to war. Sir, I have not said, nor do I intend to say, that I am for making a wanton attack and an offensive war upon Mexico; but I now take occasion to say, (and such ever will be my sentiments,) that if Santa Anna shall give us a justifiable cause for war, I am for war; if he shall only cross our line, only put one foot over on our territory for purposes of war; or if he shall only menacingly shake his fist at us, or grit his teeth, or excite and encourage the Indians upon our frontier to deeds of massacre and outrage, I am for severing his head from his body. The gentleman from Massachusetts [Mr. ADAMS] has spoken of Santa Anna as the head of a great republic. He, Mr. Speaker, to be called and entitled, upon the floor of the Congress of the United States, the head of a great republic! Sir, he is entitled to no other name than that of usurper and bloody tyrant. He has usurped the liberties of his own people, and trampled under foot the constitution of his country. I like to see a brave and valiant man. I have no objection to see a general with his army, magnanimously, when in battle, kill as many of his enemy as possible; but I do protest against the dastardly, cold-blooded, murderous butcheries and massacres that have lately been committed in Texas by Santa Anna and his troops. Sir, the conduct of Santa Anna and his army, on those occasions, would disgrace the darkest ages of barbarism. The people of Texas know what liberty is worth; they are, or a great many of them, emigrants from the United States; and although they cannot, as a matter of right, any longer demand the protection of the United States Government, yet they have a right to look for and expect our sympathies, anxieties, and wishes for their success; and they have mine, with all my heart and soul. The gentleman from Massachusetts [Mr. ADAMS] has made up his mind to go against them in any possible contingency. He has denounced them as fighting, not for liberty, but for the purpose of continuing in slavery their negro population. Sir, the gentleman is mistaken; their war is a more laudable and honorable one than that; it is to prevent themselves from being the slaves of a usurper and tyrant. I look upon it as a struggle for liberty; as identical with that for which our forefathers fought and bled; a struggle for freedom against the tyrannies and exactions of a blood-thirsty usurper; and I hope and trust in God that they may ultimately and speedily succeed.

Mr. GARLAND, of Louisiana, rose and addressed the Chair as follows:

Mr. Chairman: It is always with great reluctance I trespass upon the attention of this body, and I never do so, except on some subject particularly connected with the interests of my constituents, or the section of country from whence I come. On general topics there are many here better qualified to enlighten the public mind than I am, and more disposed to join in the debates that occupy so large a portion of the time of the House.

When I came here this morning, I did not know that it was the intention of the chairman of the Committee of Ways and Means to call up this bill for consideration, but I am gratified he has done so. Whilst the bill was being read, I consulted very briefly with one of my colleagues, a member of the other branch of Congress, whether it would not be well to propose a few questions to the chairmen of the Committees of Ways and Means and Foreign Relations, for the purpose of ascertaining precisely the state of affairs on the Western frontier. The few remarks that passed between my colleague and myself satisfied me the best course to pursue would be

to vote for the appropriation, get it through the committee, and avail myself of some other occasion to obtain the information desired. That course would have been adhered to, but for some expressions used in the documents, the course the debate has taken, and the mingling with the proposition before us other topics, by the gentlemen from Tennessee, from South Carolina, and Kentucky, [Messrs. PEYTON, THOMPSON, and WILLIAMS,] and my colleague, [Mr. RIPLEY.] I cannot permit the remarks and statements of those gentlemen to go to the people of this country, without making others, to counteract what I conceive will be the inevitable and pernicious tendency of opinions and assertions emanating from such high sources.

Sir, I reside on that frontier which it is our object to defend in making this appropriation. The district I represent includes the whole of it that is within the limits of Louisiana, and particularly the portion now most exposed. The parish in which I reside is bounded on the west, at least one hundred miles, by the Sabine river, and the parish of Natchitoches is bounded a much greater distance by the same stream and the province of Texas. If any inroads are to be made into the State of Louisiana, they will be into one or the other of those parishes, and it is not improbable, first into the one in which I live. Situated thus, representing the people whose interests and safety are most concerned, I feel the responsibility of my station here, and invoke the serious attention of the committee to the remarks I am about to submit, and a deliberate consideration of them.

When we look to the state of things on the western border of Louisiana, the civil war that is raging in Texas, the movements of the bands of armed men that are pouring into that unhappy country to join in the struggle; the rumors of unfriendly feelings and conduct among the Indians; the probable employment of the latter by the Mexican Government against the Texians, and the consequences to us of all these measures and movements, we ought to be satisfied of the necessity of taking such precautions as will effectually protect our citizens on the frontier and preserve our neutrality. It is an obligation and a duty to afford such protection, and I cannot suppose it will be withheld. The Executive, as far back as the month of January last, took such measures as were then deemed necessary to protect that frontier and preserve our neutrality. Within a short time past the whole delegation from Louisiana, conceiving that the danger in that quarter had become more imminent, joined in a request to the President to take other measures for its protection, and received as a reply that, until other means were supplied by Congress, nothing further could be done. Since that time, I have contributed my humble support to every measure calculated to increase our military force, and appropriate the necessary funds for supporting it.

But, sir, whilst I call upon the committee to take the necessary measures for our protection and the preservation of our neutrality, I warn gentlemen, in their zeal to do so, not to go so far in the expression of opinions, hastily formed, and a commitment to principles not well considered, which, if carried into effect, will, in my opinion, bring evils and dangers upon that section of country of greater magnitude than those that now menace it, and insure the violation of that neutrality which it is our purpose to maintain. I protest against mingling the questions of the struggle now going on in Texas, and of the boundary between the United States and Mexico, with the question of what is necessary to be done to protect our frontier and preserve our neutrality; and the making of speeches about both, upon assumptions of fact and rumors resting only on newspaper authority, calculated to influence the public mind, lead the people of this country to conclusions unwarranted by the existing state of things, and calculated to do much injury to the citizens on our Western frontier. I object to the articles of newspaper editors being used to influence the opinions of members of the House of Representatives, and forming the basis of its deliberations, and particularly to articles from the paper read by the Clerk this morning, (the New York Courier and Enquirer,) which is conducted by an individual who is, I understand, deeply interested in Texas land speculations--a paper that is considered as the organ of an association of land speculators, called, as well as I now recollect the name, the Texas Land Company, and in the columns of which I have seen articles published in relation to Texas, which, in my opinion, evince an ignorance of what I believe to be correct in relation to that country, or an intention to mislead or impose upon the public. It is the policy and interest of all those interested in Texas lands to agitate and excite the minds of the people of the United States, until they shall be induced to take a part in this bloody struggle, and insure the separation of Texas from the Mexican confederacy. Recitals and histories of cruelties and savage barbarities (many of them doubtless true) will be published in every quarter, for the purpose of creating a strong feeling in the minds of a people easily excited and aroused by such atrocities. However much we may feel, as individuals, upon such subjects, it does not become us, as legislators, to act under the influence of such emotions.

The gentleman from Tennessee [Mr. PEYTON] says it was with grief and astonishment that he heard some of the remarks of the gentleman from Massachusetts in relation to the causes of the civil war that is now desolating Texas. I am as far from giving my approval to those remarks as the honorable member, but I assure him that whilst he was so eloquently depicting Texian wrongs and Mexican outrages and barbarities, followed up, as he was, by the gentleman from South Carolina, [Mr. THOMPSON,] with an account of what had been said and done by the Mexican minister now residing here, also by the gentleman from Kentucky, [Mr. WILLIAMS,] and my honorable colleague, [Mr. RIPLEY,] all to the same purpose, I felt as much apprehension as to what will be the tendency of those opinions and remarks, and their ultimate effects upon the peace and safety of our frontier settlements, as he did grief and astonishment at what was said by the gentleman from Massachusetts. I wish nothing to be said or done here that will induce General Gaines to believe that he will be sustained by Congress or the people of the United States in crossing our Southwestern boundary, and engaging in a war with the Mexican confederacy. If we are to have a conflict with Mexico, I do not wish it to be a war of aggression on our part. It is not my wish that this country, under the influence of those strong feelings of sympathy which the people who inhabit it always feel towards those engaged in a revolutionary contest, should become engaged in a war, for the purpose of establishing a form of government we have had no agency in creating, or avenging the injuries and wrongs of those we are in no way bound to protect.

It is not my purpose to follow gentlemen in the accounts they have given of the origin and causes of the revolution now going on in Texas. I will not enter into any examination of the inducements and promises held out by the Mexican Government to emigrants by her colonization laws, or the protection offered them by the constitution; I will make no enumeration of pledges broken or laws violated on one side or the other; I will say nothing in vindication or condemnation of the savage barbarities said to have been practised, or the causes that may have led to them; I will not permit myself to express any opinion at this time as to the course it may be eventually necessary to pursue in relation to Texas.

I shall for the present be content with saying that those who have gone to that province with a view of improving their condition, or from other causes, did not do so because of the oppressive character of either our State or Federal Governments. They have thought proper to renounce all allegiance, as they had a right to do, to the country in which they were born, and which could and would have afforded them protection and the enjoyment of every constitutional privilege, to become the citizens of another country, with the inhabitants of which there existed no sympathy of feeling or common ties of language and religion. If they have been disappointed in their expectations; if their hopes of fortune and fame have been blasted; if Mexican pledges and promises have been violated or broken, they should remember that we never undertook to guaranty either. Of the old established residents and citizens of Texas, I have understood many were opposed to these revolutionary movements; but the effect of example, the force of public opinion, and the highly impolitic and indiscriminate course pursued by Santa Anna, have, in a great measure, united the whole population in defence of their lives and property. But, among many of those in the United States who are endeavoring to excite the people to take a part in this war, and of those gone to Texas in the course of a few months past, I believe the spirit of land speculation is as strong as the love of constitutional liberty.

If the speeches of honorable gentlemen are calculated to excite regret and apprehension as to their effects, the introduction into the correspondence between the Secretary of War and General Gaines, of the boundary between the United States and Mexico, and the claim asserted by the former, that the post or "old Fort Nacogdoches is within the limits of the United States, as claimed by this Government," also the tacit permission of the general to cross what is termed by both the imaginary boundary between the two countries, is, in my opinion, calculated to increase the embarrassments in which this Texian question is likely to be involved. But my colleague has gone further than either the Secretary or the general. He not only speaks of an unsettled boundary and a neutral territory, but he asserts that the river commonly known and called the Sabine, and laid down on all the maps as such, is not the Sabine river intended by the treaty fixing the boundary between the United States and Mexico, but that a river which he called the Angelina, which empties into the Sabine lake on its western or northwestern shore, was the true Sabine river. This stream, he alleged, was a larger and more important tributary to the lake than the river generally called the Sabine. When my colleague spoke of the river Angelina, and so described it, I was at a loss to know exactly what stream he meant; but a short explanation with him, since he addressed the committee, satisfies me he was speaking of the river commonly known by the name of the Neige, or Neches, of which the Angelina is a tributary. My colleague, doubtless, spoke from information when he stated that the river he mentioned was the larger and more important one. He has never, to my knowledge, been in that part of the country. I will not now detain the committee with any detail of the information I have in relation to the length, depth, or breadth, of the rivers named, further than to say that it is very doubtful whether either the Neige or Neches, or the Angelina, or any of their tributaries, are laid down on Melish's map of the United States as extending as far north as the thirty-second degree of latitude. The inquiry, which is the larger or more important river, is not one, in my opinion, of much consequence in the settlement of the present question. It depends upon treaty stipulations too solemn to be trifled with, and, in my judgment, too plain to admit of a doubt, so far as relates to that portion of the boundary between the Gulf of Mexico and the thirty-second degree of north latitude.

Sir, if the boundary contended for by my colleague, and claimed by the Government, can be sustained, it will add very much to the territory and population of the State I in part represent; and as it is about to be finally adjusted, in pursuance of treaties heretofore concluded, and one recently ratified by the Senate, I will state the provisions of the treaty fixing it, the general understanding in that section of country in relation to it, the practice of the officers of the Federal and State Governments since the year 1819, and then a very brief history of the neutral territory which has been referred to by my honorable colleague and other gentlemen, more for the purpose of preventing the public mind from mingling the boundary question with the exciting one of the Texian revolution, than for the purpose of expressing a definite and fixed opinion. It is also my object to place before this House and the Executive what I conceive to be the true state of the case, and thus enable all of us to act with the discretion and foresight becoming the occasion. When we look to the state of excitement already existing among the people, and the means that are being used to increase it, we cannot shut our eyes to the consequences, if an impression can be made that some injury has been done, or wrong intended us, by Mexico. Add this fuel to the flame now lighting up; let General Gaines cross this imaginary boundary and advance to Nacogdoches; let Santa Anna meet him there, and we shall be engaged in a Mexican war before the adjournment of this session of Congress. This I wish to prevent. Protect our frontier, and preserve our neutrality; but do not, under a pretence of doing either, engage us in a war of aggression or conquest.

I will now call the attention of the committee to the language of the treaty fixing the boundary: "The boundary line between the two countries west of the Mississippi shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea; continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red river; then, following the course of the Rio Roxo, westward, to the degree of longitude 100 west from London, and 23 from Washington; then, crossing the said Red river, and running thence, by a line due north, to the Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; thence, by that parallel of latitude, to the South sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the 1st of January, 1818." The same article of the treaty then goes on to provide how the line shall run from the source of the Arkansas, in the event of its not being exactly at the 42d degree of latitude, and secures the use and navigation of the Sabine, Red, and Arkansas rivers, to the inhabitants of both nations. It then proceeds: "The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line; that is to say, the United States hereby cede to his Catholic Majesty, and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the above-described line; and, in like manner, his Catholic Majesty cedes to the said United States all his rights, claims, and pretensions, to any territories east and north of said line; and for himself, his heirs, and successors, renounces all claim to the said territories forever." These are the words of the third article of the treaty made with Spain, at Washington, on the 22d of February, 1819. What the policy was that induced the negotiation and conclusion of this treaty, it is now too late to inquire. It is concluded, and has been thrice

recognised within the last eight years by our Government. First, in the treaty negotiated by Mr. Poinsett with Mexico, in the year 1828; again, in an additional article to that concluded in April, 1831; and, more recently, by another treaty made with the Mexican Government last year, and ratified by the Senate since the commencement of the present session. The treaty of 1828, made with Mexico, repeats, verbatim, the language of that of 1819, made with Spain, in relation to the boundary. Here we have the deeds or title papers by which the rights of the respective countries are to be adjusted. Not only have we the deeds, but we have a map or diagram of the adjoining possessions or estates, upon which are laid down the rivers that are to form the boundary between them. This map was undoubtedly before the agents of the respective Governments at the time they were negotiating the treaty. Is not this map, then, a part of the treaty? Are we not bound to refer to it? And if the treaty says that the Sabine is the boundary, is it not the river on the map which bears that name? Suppose two individuals own adjoining estates, and wish to adjust the boundary between them: for that purpose they have a map or plat of both made, or they take one already made, and agree that a certain river or watercourse, clearly laid down on it, having a specific name, shall be the dividing line between them. Can one of them afterwards say that the stream or river so laid down, named, and described, is not the one intended, but that another, bearing a different name, is the boundary? Let any reasonable man answer these questions, and then determine for himself whether or not the river laid down on Melish's map of the United States as the Sabine is not the true boundary from the Gulf of Mexico to the 32d degree of north latitude. The point where that degree crosses the Sabine has not been fixed definitively; and from thence to Red river may, with some propriety, be called an imaginary boundary; but to call the Sabine, from the 32d degree to the Gulf, an "imaginary boundary," is a flight of imagination that I cannot comprehend. At the point where General Gaines was when we last heard of him, this "imaginary boundary" is, at the lowest stage of water, as I am informed, upwards of a hundred yards wide, and so deep as at all times to make it necessary to have a boat, or some other means of transportation, to get across it. At this season of the year, if the waters of this "imaginary boundary" are swollen as much as is usual, I do not believe that it will be extravagant to say they cover the low grounds or swamps on the river a distance of two or three miles in width. I have seen it stated in a newspaper recently, that the swamps are covered with water a distance of between four and five miles in width. His position, as has been stated, was at Wilkinson's old camp, on or near the road leading from Natchitoches, by Fort Jesup, to Nacogdoches. A mere inspection of any map of that section of country will satisfy the most inattentive that that position is a considerable distance south of the 32d degree, and that every step taken towards Nacogdoches would carry the general and his army something further south.

In Louisiana, there never has been, since 1819, as I believe, any question as to what the true boundary was and is. I never heard a doubt expressed about it, except by one individual, until within a few months past. That person is a highly respectable and intelligent man. I have heard that he has written a letter or letters on the subject to the President, or some of the heads of Departments; but whether that be so or not, I cannot say. My colleague says he has heard suggestions of there being some mistake about the river commonly called the Sabine being the true Sabine river. I do not doubt he has heard such observations, but it is probable he has heard so from persons not intimately acquainted with the geography and history of the country, and the provisions of the treaties made with Spain and Mexico. The people in Western Louisiana know where the true river is; and of the numerous emigrants to Texas, I will undertake to say not one of them ever doubted he or she was beyond the limits of the United States, without their jurisdiction and laws, and those of the State of Louisiana, the very moment their feet were on the western bank of this imaginary boundary, generally known as the Sabine river.

For the purpose of showing that, since the year 1819, there has been a general acquiescence in the opinion that the river now known as the Sabine is the boundary, I will inform the committee that I have never heard, in a residence of thirteen years on the Southwestern frontier, of a single instance of any officer of the State or Federal Government claiming, or attempting to exercise, any jurisdiction or authority on the western side of the well-known river called the Sabine. If any case has occurred in which an arrest or seizure has been made on the western bank of that river, I apprehend it has not been in consequence of a belief that the officer making it had any right to make it there; and I will assert, without the fear of contradiction, that no officer of the Federal Government, or of the State of Louisiana, has ever made an official return of his having crossed the river for the purpose of executing the process of the courts of either. I am aware that individuals have crossed this boundary in pursuit of fugitives from justice, and property run off by dishonest debtors or criminals; but in no instance that I ever heard of did they go armed with an order of our courts for such purpose. Instances have, I believe, occurred where the officers of justice have gone to the Sabine, and executed the process of our courts upon persons and property that had been brought by force from the western side of the river. So far from its being the case that we have claimed or exercised any jurisdiction west of the river, universally known as the Sabine, our practice has been exactly the reverse. I have a personal knowledge of a number of prosecutions or suits being commenced in the district court of the United States for the western district of Louisiana, against individuals residing in and out of the State, for infringements or violations of your revenue laws, and those made to prevent the introduction of slaves into the United States. In more than one case it appeared that the property alleged to have been improperly introduced was brought only a few miles beyond the river; yet no lawyer has ever, to my knowledge, in the defence, relied upon, or attempted to show, that the country between the Sabine and the Angelina or Neches was within the limits of the United States. I should be glad to know if, in the immense number of land claims derived from the Spanish Government whilst it had possession of Louisiana, a single one is known ever to have been presented by the claimant to the officers of the United States for recognition and confirmation, that covered land on the western side of this "imaginary boundary." Did any man ever come before the officers of the Government or Congress, with a claim derived under any law of ours, for land situated west of this river? If any such ever was presented, what was done with it?

The possession of the authorities of Mexico or Texas has, at all times, been open and notorious, and continuously exercised before the treaty of 1819, and without interruption ever since. Laws have been made and executed for the government of the people living west of this so often mentioned river. The Federal and State Governments have exercised the rights of sovereignty over the country; members of the State Legislature and the Mexican Congress have been elected; lands have been granted; and, in fact, every thing has been

done that any independent nation has a right to do, without hinderance or question from us.

It is now my purpose to give a short account of the neutral territory referred to by my colleague and others. This name is well known, sir, in the section of country which I represent; but a new location of it has been made in the course of a few months past. By some process, unknown to me, this neutral territory has got on the western side of the river known as the Sabine. On all the maps I have seen, on which any notice of it has been taken, it is placed on the eastern side, and is so considered by all that I ever heard speak of it. It is that strip of country between the river Sabine and the river Calcasieu, which empties into the Gulf of Mexico, and a small stream called the Rio Hondo, which empties into Red river. It is about thirty miles in width, extending along the whole frontier of my State. In consequence of the provisions of the treaty of February, 1819, one or more acts of Congress have been passed relative to the land titles in this territory, by which a large number of claims, that had never been recognised before, were examined by the register and receiver in the southwestern land district in Louisiana, and confirmed by Congress. A document relating to some of these titles has been laid on our tables during the present session, and several members of the Committee on Private Land Claims have had occasion to examine it. Those gentlemen, perhaps, have noticed, in the examination of that document, that the commissioners, in giving a locality to the claims reported on, almost, if not always, use the expression "the late neutral territory;" evidently showing they understood that, since the date of the treaty of 1819, the question relating to this territory had been settled.

The term *neutral territory* imports, I suppose, a certain extent of country over which neither party setting up a claim to it exercises any jurisdiction; or a common jurisdiction, in consequence of some agreement or understanding to that effect, until the question of title is adjusted. Has such been the case on either side of the Sabine since February, 1819? Has not the exercise of the rights of sovereignty by Spain and Mexico, on the west of the river, been as well known as the exercise of those rights by the United States on the east of it? That there has not, since 1819, been any cessation of jurisdiction by either party, or any common exercise of it, is a fact as well known as any other that exists. There is, therefore, no propriety now in calling any portion of Louisiana by that name.

The causes that brought about the arrangement by which this strip of country became, and continued for a number of years, neutral ground, had their origin in an early period of our history. The difficulties commenced in the disputes that took place between France and Spain relative to the boundary between the province of Louisiana and the Spanish possessions in Mexico. After the cession by France to Spain of Louisiana, the difficulty was kept up between the authorities of that province and those of the adjoining province in Mexico. The lieutenant governor or commandant of the *comandancia* or post of Nacogdoches claimed to exercise his authority as far east as the Rio Hondo and the river Mexicano, now known as the Calcasieu, and a military post or station under his authority was established at a small village called Adayes, nearly east of where Fort Jesup now stands, and a short distance west of Rio Hondo. The commandant of the post of Natchitoches claimed to extend his authority to the river now and then known as the Sabine. Each officer aided in making grants of land in this disputed territory, and extended his jurisdiction over it. This difficulty remained unsettled at the time of the cession of Louisiana to the United States in 1803. Soon after we got possession of the province, the boundary question was revived with Spain. In 1805, General Wilkinson, at the head of a body of United States troops, marched to the Sabine, and encamped at the place where General Gaines was at the last information we had of him. General Herrera was encamped on the other side of the Sabine. Some correspondence, and perhaps negotiation in an informal manner, was carried on between them; one of the results of which was an understanding that the territory between the Rio Hondo and the Sabine should be considered as debatable or neutral ground, until the boundary should be fixed by treaty. This was done in February, 1819, and ever since we have been in undisturbed possession of the country.

If General Gaines shall, under the permission he has received, advance to Nacogdoches, under a pretence of claim to that town and the country around it, he will be resisted by Texian and Mexican. What, sir, will the people of Texas and Mexico think of your pretensions of preserving our neutrality and protecting our frontier, when you push an army fifty miles beyond what is generally known as the boundary? The commander-in-chief of the Texian army resides at or near this very town. The President of the recently formed Government of Texas, if I am correctly informed, is in the same part of the country. A considerable portion of a large grant of land he holds is in this new neutral territory. The Secretary of State is within the same limits. If General Gaines advances to Nacogdoches, he goes ostensibly for the purpose of preserving our neutrality and defending our frontier. Will he do either by making such a movement? I fear not. Suppose, whilst he is at this post, the Texian army shall fall back to that place, what would it be his duty to do for the preservation of our neutrality? Disarm and disperse them. What would the Texian commander reply to a requisition upon him to ground his arms and disband his soldiers? Sir, he would indignantly refuse it; he would tell your general that he was in the interior of the country whose battles he was fighting; that he was at his own door, at the place where he had resided ever since he had become a citizen of Texas, and he would not surrender at discretion. No other alternative would then remain but to turn our arms against the Texian army to enforce our demand, or to retreat from the country. To continue at Nacogdoches, with the Texians in arms, would insure a war with Mexico.

In the investigation of this question of boundary, I have been induced to say more than it was my purpose; but the object I have in view could not well have been effected by saying less. Whilst it is my intention to prevent, so far as it is in my power, the people of the United States and their representatives here from plunging into this revolutionary contest in Texas, under the influence of strong feelings of sympathy with the Texian cause, or indignation at barbarities practised by the Mexicans on those calling themselves American citizens, it is also my wish to prevent such a result, by the impression that may be made that we have a strong claim to a portion of the country. I would not, for the sake of our own character, urge, either upon Mexico or Texas, in their present distracted condition, a claim to any portion of territory, unless the clearest right to it could be established. I have, therefore, stated the facts as briefly as is compatible with a proper understanding of the subject, and now leave the matter to the consideration of the committee.

In coming to the conclusion what is necessary to be done, it becomes us all to calculate well the risks and dangers impending over the Southwestern frontier. Do not let us magnify or diminish them. I shall endeavor to regard the state of things in that quarter as one about to take a part in whatever shall occur; for, if the ac-

counts we have are correct, and no change shall shortly take place, I shall not be here much longer to join in your deliberations. Obligations higher and more imperative than any I am under here will soon carry me to this frontier, to become a participant in whatever may happen.

Now, sir, let us examine what are the dangers with which we are threatened. General Gaines informs the Secretary of War that he has received information from various sources, which leaves no doubt in his mind that a considerable portion of several tribes of Indians residing within our territorial limits have gone over to the Texas side of the boundary line between the United States and Mexico. He also speaks of the reports of the advance of the Mexican army, its mode of warfare, and the probability of the Indians residing on the Trinity uniting with the Mexicans in their war of extermination. Some excitement among the Caddo Indians is spoken of, in the letter addressed by General Gaines to the Governor of Louisiana and other States. It would have been much more satisfactory if the various sources of information relied on by the general had been stated; my local knowledge would in some measure have enabled me to say what weight ought to be attached to them. What tribes of Indians are they, of which considerable portions have gone over to Texas? Is there any information here that any portion of those located north of Red river and west of Arkansas have gone over? None. Has the honorable Delegate from Arkansas any information that any of those Indians have gone to Texas, under suspicious circumstances? He says he has not. What Indians, then, are meant? Those in Louisiana, I suppose. The committee will now permit me to inform them that, in that State, with the exception of the Caddoes, there are no large bodies of Indians. The remnants of a number of tribes are scattered over the country, none of them warlike in their dispositions, or exhibiting any hostile feelings towards us. In the various accounts which I receive, there is no intimation of any unfriendly movement among them. The Caddoes are not a numerous or warlike people. They have occupied a section of country in the northwestern corner of Louisiana, and the southwestern corner of Arkansas. By a treaty made with them in July last, and ratified by the Senate about two months ago, they have agreed to abandon to the United States their claim to any territory within our limits, and remove into Texas, or elsewhere, in the course of a year or two. It is probable they were informed, about the last of March, that the treaty was ratified, and are removing beyond our boundary, in conformity to its provisions. The apprehension that the Indians in the Mexican territory will be induced to take part in the war going on in their neighborhood is more reasonable than that those within our limits will do so; and, as that is within the range of probability, we should take the necessary precautions to protect our citizens who may be exposed to danger. In addition to the alarm likely to be produced by the various communications before us, we have the annunciation of my colleague, that if the Texians and the force of General Gaines should be destroyed, such is the formation of the country, that a thousand mounted men could dash from the Sabine to the Mississippi, cut down the levees, inundate the country, destroy New Orleans, and retire before the population could be collected to arrest their career. He has referred to the particular section of the State in which I reside, as the region through which this extraordinary movement could be made. Why, sir, it is the very formation of the country that would prevent such a movement, if any military man should be indiscreet enough to attempt it. At this season of the year, it would be nearly impossible for any body of men to get to the Mississippi from the western part of the State without a water transportation; and the idea that the country bordering on the Mississippi can be inundated, and New Orleans destroyed by a thousand men, is too extravagant to be seriously entertained. From the Sabine river to the Mississippi is a distance of at least one hundred and sixty miles, and a considerable portion of the distance is across the swamps and inundated lands. It is possible that such a force might, by a sudden and unexpected movement, penetrate to some distance into the open country south of the Red river; but if they should be so fortunate as to reach the eastern boundary of any of the four parishes alluded to by my colleague, I will undertake to say not one would ever get back again. I do not intend to pronounce any eulogy on the people of those parishes; they need none; but I believe, if every man was removed, that the women and children could and would successfully resist such an invasion.

Sir, if the remarks I have made shall have the effect of keeping us out of this Texian controversy, I shall be gratified. If we preserve our neutrality, and afford protection to our citizens and interests, it is all that is necessary for the preservation of the character of our country. As to the course it may be proper hereafter to adopt in relation to Texas, it will be time enough to consider it when the question shall be presented. In the mean time, do not let us do any thing to compromit ourselves, or so involve the country that we cannot freely and dispassionately consider what course it may be most judicious to pursue. We must not, under the influence of indignant feelings, excited by the accounts we have received of Mexican treachery and barbarity, or of strong apprehensions, adopt any measure ourselves, or prompt the adoption of a course of conduct by our commander on that frontier, which will endanger the peace and safety of the inhabitants.

Mr. MASON, of Virginia, said they must all be very sensible, as he had been from its commencement, that the controversy between the different portions of the Mexican republic was certain to produce consequences deeply affecting our foreign relations, and involving interests, domestic and foreign, of the most absorbing character. The principles involved in the contest, the contiguity of the seat of hostility to our own border, and the character of the parties engaged, were all calculated to produce these results. He had therefore been most anxious to exclude from this hall a discussion which might be very powerful for mischief, but, in the present condition of that controversy, could not be productive of any national benefit.

While he concurred with the gentleman from Louisiana [Mr. GARLAND] in deprecating, in debate here, the use of language of denunciation against the character or conduct of the Chief Executive of a country with which our relations were those of amity, peace, and friendship, however he may have been elevated, or may exercise his authority toward those who are subject to it, he could not but regret that that gentleman had himself fallen into a similar error. Under the treaty of limits existing between the United States and Mexico, the Western boundary of the United States is described as commencing on the Gulf of Mexico, at the mouth of the Sabine river, running on the west bank of that river to the 32d degree of latitude, and thence a due north line to the Red river. There are two branches of the river which fall into the Sabine lake before it enters the Gulf, and it is an unsettled question which is the boundary. The gentleman from Louisiana concedes that the eastern branch, as contended by Mexico, is the true boundary, while the opinion of his colleague, [Mr. RIPLEY,] of the President of the United States, and of others possessing more accurate geographical information than he (Mr. M.) did, claim that the most western branch was the true boundary. Commissioners are now charged with

the duty of running and fixing this unsettled boundary, and one of the most important duties of General Gaines was to afford protection to the commissioners in performing this duty.

It was admitted that Nacogdoches lies south of the 32d degree of latitude, and between the two branches of the Sabine river. If the gentleman from Louisiana [Mr. GARLAND] be correct, General Gaines is invested with a discretionary power of taking a position on the Mexican territory; but he (Mr. M.) contended that, under the law of nations, and the existing treaties between the two countries, with the avowed and *bona fide* motives of that movement, no just cause of complaint, on the part of Mexico, existed.

The debate had been conducted on the gratuitous assumption, by some gentlemen, that this proposition involved a declaration of war against Mexico, while others seemed to suppose that it evinced a purpose, on the part of the Executive of the United States, to take the part of the people of Texas in the war in which they are engaged. Mr. M. confidently asserted that neither conclusion did justice to the Executive, or the object of the appropriation under consideration.

The great principle which lies at the foundation of our institutions is, that the people of every country have the right to adopt and to administer their own form of government, without interference from others. It was on this principle that we asserted and achieved our own independence. It was by the observance of this neutrality, by abstaining from the quarrels of other nations, whether foreign or domestic, that our country had secured its past prosperity, and to the same course we must look for the same results in the future. Mr. M. said that he was for abiding by these principles, and he confidently asserted that they had controlled the course of the Executive in the instructions to our military commander, which had been the subject of discussion. He had seen nothing in those instructions, or the letter of General Gaines, calculated to violate them. Mr. M. expressed the hope that the question raised by the gentleman from Massachusetts, [Mr. ADAMS,] whether the United States will recognise the independence of Texas, would not be involved in the consideration of this question. These people have asserted their rights to an independent self-government, and are now engaged in a bloody and appalling struggle to maintain it. Whether they are to succeed, time alone can decide. If they shall successfully encounter the fearful odds arrayed against them, and maintain a *de facto* Government, it will be for the United States, when the event shall transpire, to determine on the relations to be established with them: a recognition of their independence, under such circumstances, will be no violation of our treaty with Mexico. But surely nothing has occurred, here or elsewhere, to justify a suspicion that it is the purpose of the President of the United States, or of a majority of the House of Representatives, under the existing state of affairs, to exercise this high power. The Texians have not asked it; they have too many melancholy proofs of the uncertainty of the result of their efforts, to expect us to recognise them as an independent people. When the fact shall exist, it will be the duty of the Government of the United States to decide the question.

What, then, asked Mr. M., is the question under consideration? And why have the measures been adopted which induce a call for this appropriation?

In the prosecution of a fixed policy, the United States have removed to a tract of country west of the Mississippi, bordering on Texas, Indian tribes, with a population now there estimated at one hundred and sixty thousand. In the treaty with Mexico, ratified in 1831, there are mutual stipulations, binding each of the republics to restrain by force the Indians within their respective limits from hostilities against the other. We are not only bound to protect our own frontier, but to repress the hostile movements of these powerful Indian tribes, already restless and discontented, whose disposition to join in the contest it must be extremely difficult to restrain, if the country in their immediate vicinity shall, as it probably will, become the seat of war. Nothing is so well calculated to accomplish this object as the presence of a strong military force on the part of the United States. It may be said that Mexico will not complain, but may invite them to join in the conflict. Whether Mexico complains or not, it is the duty of the United States to prevent the Indians from engaging in war; because there can be no doubt of the correctness of the opinion of General Gaines, that they will, when in arms, respect no boundary, real or imaginary, and that the calamities of their hostility will be felt by our people.

A general officer, of great experience and discretion, and of acknowledged bravery, charged with the duty of defending this frontier, has communicated to the War Department his apprehensions of hostile feelings and movements on the part of the Indians, and of the possible event of a violation of our territory and neutrality by the belligerants in Mexico. Orders have been given to collect a force sufficient to awe the savages into peace, and to restrain either of the contending parties in Texas from entering our territory with arms in their hands. An estimate is sent from the proper Department, asking an appropriation to furnish the means of affording this protection to our own citizens, and to enable the Executive, in good faith, to execute the treaty. It is true that General Gaines, in executing the orders of the Government given to accomplish these objects, has been authorized to advance within the territory claimed by Mexico; but the United States has notified the Mexican Government that, in taking such a position, the purpose has not been to take an adversary possession of the territory in dispute, but with the single intention of executing the treaty and preserving our neutrality. So far from it being a war measure, it is declared to be provisional and precautionary, and it is the only prudent measure by which peace is to be preserved and war prevented. The committee would observe that in these orders both the contending parties were placed on the same footing, and that the Government, abstaining from any interference with the war between them, was determined to do equal justice to both.

Mr. M. said he could not undertake to determine whether even these precautionary measures would secure peace; but believing them essential, whether peace is to continue or war is to be encountered, he should consider himself shamefully wanting in duty, if he were not to respond to this call, by placing at the command of the Executive the means of maintaining our neutrality, of protecting our soil from the aggressions of any who may be disposed to invade it, and of restraining a savage war, in which our own citizens must be the greatest sufferers. He saw in the orders to General Gaines a clear recognition of the principle of neutrality, a disposition to do exact justice to both parties, a firm resolve to protect the American people from violence, and a faithful observance of the obligation of treaties.

Mr. UNDERWOOD was thankful, he said, to the gentleman from Louisiana [Mr. GARLAND] for the remarks he had made on this subject. He thought the statements he had made, and the convincing arguments by which he had accompanied them, would determine the House to postpone any action on this proposition until it had been more maturely considered. In favor of this course he would add a few remarks. He was not alarmed by the insinuations of want of patriotism which were thrown out against those who wished to act

deliberately on this momentous question. He was not eager to involve this country in a long, expensive, and bloody war. If one thousand men, well appointed and equipped, could effect as much mischief on our borders as the gentleman from Louisiana [Mr. Ripley] says they can, and if the Mexican minister here is as shrewd and vigilant as he is represented to be, Santa Anna will soon be advised to act accordingly. If General Gaines went into the recognised territory of Mexico with his forces, what was he to do when he got there? Will he say to the Mexicans, I have only come to keep the peace? Whatever he may say, will not the Mexicans order him to go back forthwith? Will he then retire? No; his communications show the spirit and feeling which will govern his course in regard to any Mexican force or authority which he might encounter. His language was hardly less exceptionable than that of his colleague, [Mr. Williams,] who talked of cutting off Santa Anna's head. He was sorry to hear language of that kind applied, on this floor, to the head of a republic on terms of amity with us. It had a direct effect to create feeling unfavorable to peace and friendship. Should a conflict take place between General Gaines and the Mexican force, what consequences might not ensue? He did not believe that Santa Anna could reach New Orleans, or even the Mississippi, but he believed that a war would follow which would devastate the frontier, and deluge it in blood. He looked upon the course proposed by the instructions as a violation of the treaty. It commanded the general to make war, in order to prevent an invasion of our territory. It violated the treaty, on pretence of an intended violation of our neutrality. Ought we not to remonstrate first against any encroachments on our rights?

But the gentleman from Virginia [Mr. Mason] says we send our army into their territory, under a provision in the treaty which requires us to restrain the Indians within our limits from hostilities. But how was this done? Should we invade their territory to keep our Indians in order? Suppose Santa Anna, also crossing the "imaginary line" which separates us, (viz: a river which is 150 yards wide at the lowest water, and when full is two or three miles wide,) enter our territory, to keep his Indians in order, must not hostilities ensue? Let us pause. The only plan by which a war was to be avoided was for Congress to declare that the course proposed in the instructions ought not to be tolerated, and that the boundaries should be respected by both parties. If we did that, the Mexican general would never pass our boundary. If Santa Anna was the man of talents and sagacity that he was reputed to be, the story of his threatening to plant his standard on our Capitol could not be true. He did not believe that Santa Anna, with his shrewdness and experience, would ever venture across the Sabine. The declarations imputed to him were not consistent with his character as a man of sense. As to the newspaper accounts that had been referred to, they were not to be relied on; being often framed with a view to deceive the public, from the most mercenary motive. In conclusion, Mr. Underwood said he regarded this measure as an entering wedge to a war with Mexico, and it would assuredly prove a war with our Treasury, if not with Mexico. Let us, sir, think of it till Monday. For the purpose of considering this subject after more mature deliberation, he moved that the committee rise. Lost: Ayes 61, noes 96.

Mr. UNDERWOOD then moved to amend the bill by inserting a proviso that the appropriation should not be understood as giving any sanction to an invasion, by the troops of the United States, of the territory of the United Mexican States; which was not agreed to.

Mr. McKAY then moved to amend the bill by providing that the money should be expended under the direction of the Secretary of War, according to the acts of the 28th February, 1795, providing for calling forth the militia, and the act of 2d January, 1795, regulating the pay, &c., of the militia, when called into actual service.

Mr. CAMBRELENG did not know the precise effect of the amendment proposed, but presumed it was in conformity to the provisions of the act 1795. When the bill making an appropriation for the Seminole war passed this House, the amount was to be expended according to law; that provision was struck out, and the reference to the act of 1832 was substituted; that refers to the act of 1828, and the last to the act of 1795. If he comprehended the amendment, he saw no objection to it. While up, he would express his surprise at the extraordinary course the debate had taken. We had been discussing the question of a war with Mexico, and the administration were charged with a design to create it, while it was manifest that they had determined, by every step they had taken in reference to this war on our border, to preserve the most rigid neutrality, and to respect the national rights of Mexico. The President had but two days ago sent us a communication, asking for an appropriation to pay the expense of running the boundary line between this country and Mexico. We are now called upon for an appropriation to enable our Government to maintain its neutrality. Without a strong force, then, (and we ought to have had ten thousand men there before now,) it will be impossible to command the respect of both parties; and without occupying the position in the neutral territory, as proposed in a certain contingency, and without an efficient force, our neutrality can never be sustained. He was, therefore, much surprised at the remarks of the gentleman from Massachusetts, [Mr. Adams,] about a war with Mexico. We were trying to avoid one, whatever might be the event.

Mr. MASON, of Ohio, addressed the committee at some length against the bill. He denounced the whole Texian controversy to be a "humbug," and this proposition for the defence of the Southwestern frontier to be a decided humbug, for the purpose of bleeding the Treasury and getting rid of the surplus revenue. He also condemned and animadverted with great severity on the conduct of General Gaines, as a mere fourth of July speech maker. The citizens of Texas, now engaged against Santa Anna, he described to be a set of runaways, and all men of notoriously bad characters, most of whom had fled their native country for their crimes, and to escape a halter; and the fate which some of them had met in Texas was not worse than would have been their lot if they had not run away from their own country. He ridiculed the sympathy which was gotten up in behalf of the Texians. They were termed our brethren, our unfortunate countrymen, when their characters were such that, while they were among us, we would not speak to them if we met them in the streets.

Mr. BYNUM followed, in reply both to the gentleman from Ohio and the gentleman from Louisiana, [Mr. Garland,] and reviewed the whole subject involved in the Texian controversy, and urged the necessity of providing for the defence of our own frontier.

Mr. JOHNSON, of Louisiana, apologized to the committee for addressing it at so late an hour, when he perceived an anxiety to vote upon the question under consideration. But coming from a State more immediately interested in its decision than any other, he felt himself called upon, late as it was, to reply to some of the extraordinary objections made to the passage of the bill. A course of remark had been indulged in by several gentlemen, not in his opinion called for, and which he regretted to hear, but should not now notice. And the gentleman from Ohio [Mr. Mason] had gone so far as to condemn the orders given to General Gaines, on the

ground that a military force was not at all necessary for the protection of our Western frontier, and as being calculated to produce a war with Mexico. He said that we are acting on information contained in newspapers, promulgated by interested persons, and that we are influenced by our feelings in favor of the people of Texas. He was indeed surprised, after all the information obtained upon the subject, and particularly after the official communications from the Secretary of War, to hear such remarks.

In voting for the bill he (Mr. J.) was not influenced by the accounts contained in the New York paper, so freely commented on, nor was he influenced by the proceedings of the public meetings held in different parts of the Union, in favor of the Texians, which had been alluded to, or by the sympathy he felt, in common with the whole American people, for the brave men and helpless women and children who have been basely butchered, as is believed, by a ruthless tyrant, contrary to the usages of civilized warfare. He acted from information entitled to the highest respect, and should vote for the bill because it contained an appropriation to pay the necessary expenses of the troops now actually employed on our Western frontier, and of the militia called for from several of the States to aid in checking any hostile incursions of the Indians on that frontier, and in order to preserve the neutrality of the United States. Could any man view the present state of things on the western borders of Louisiana, and contemplate the events daily transpiring in the neighborhood, and not believe that a strong military force should promptly be placed there by our Government?

It would be recollected (said Mr. J.) that, in addition to the numerous warlike tribes of Indians residing west of Louisiana, Arkansas, and Missouri, a large body of Indians had been recently removed (by the policy of our Government) from the east side of the Mississippi, and located on the western borders of Louisiana and Arkansas, who have been for some time in a restless state, and evidently dissatisfied with their situation. To keep them in check, and to prevent them from committing hostilities within our limits, and of waging war among themselves, a large military force, in his opinion, would be constantly required on our Western frontier. But at this moment, when all the tribes alluded to are greatly excited, and when we have the strongest reasons to believe, from information received from different sources, that Santa Anna has, in violation of the treaty existing between the United States and Mexico, actually engaged those Indians to aid him in the war he is now waging with Texas, is it possible for any man not to believe that the people of Louisiana and Arkansas are not at this moment in imminent peril? Indeed, he apprehended that a force of from ten to twenty thousand men might be immediately required on that exposed frontier, not to make war against Mexico, but to protect American citizens, and to defend our own country.

Had the President of the United States failed to adopt the course he had pursued, and to call the attention of Congress to the subject, he would have been criminally negligent in the performance of the high duties devolving upon him at such a crisis. He approved of his conduct in this respect, and of the orders given to General Gaines. What are these orders? General Gaines was directed to take a position near the western boundary of Louisiana, for the defence of that frontier, and not to cross over the imaginary line between the United States and Texas, unless it should become necessary for him to do so, to protect the inhabitants of that portion of the United States from the calamities of war, and to cause the neutrality of the nation to be respected. And what does General Gaines say in the communication that has been disapproved of by some gentlemen? Not that he designs violating his instructions, but that he will adhere to them strictly, and not pass into the disputed territory between the United States and Mexico, unless it should become necessary for the purposes authorized by his instructions. And, from the high character and patriotism of General Gaines, it is not to be presumed that he will violate his instructions, or, by rashness and indiscretion, involve us in a war with Mexico. No one could deprecate such a war more than himself, for no State would suffer as much by the consequences of it as the State he had the honor in part to represent. Still, he had no hesitation in saying that, if the officers of the Mexican Government should, contrary to the provisions of the existing treaty between the two Governments, entice the Indians within our limits to join them in the war of extermination now raging in Texas, or should prevail on those Indians to establish themselves permanently in Texas, as is apprehended by some, it would become the imperative duty of General Gaines to prevent such a state of things, and, if necessary to effect the object, to march his troops into Texas.

The savages, thus employed, would have the Western settlements wholly within their power; and who can doubt that hostile collisions between them and American citizens would be the result, and that the whole Western frontier would soon be involved in war? The laws of nations, and the practices of our own Government, would, on the occurrence of events, justify the course of proceedings contemplated by General Gaines. In fact, such conduct on the part of the Mexican authorities would afford the United States a just cause of war, and throw the responsibilities resulting therefrom upon that Government. But the contemplated military force is designed not to make war, but to preserve peace, to check the movements of the hostile savages on our Western borders, and to preserve the neutrality of the United States. Peace, in his opinion, can only be preserved by such a force. The troops now there are suffering for the want of this appropriation, and the militia called for from the different States cannot be furnished, as we are informed, without it. The quartermaster general reports that he is without a dollar to provide for their expenses.

Are we not called upon, then, (said Mr. J.,) by every consideration of duty and of patriotism, to pass this bill, and to pass it promptly? With respect to the people of Texas he had but little to say. He thought, however, that great injustice had been done to them. No doubt many unworthy men had emigrated to that country, some of whom perhaps had fled from their own country. All new countries had been settled in the same way. But that many gentlemen of talents, wealth, and of high respectability of character, had been induced to settle in that country, is as certain. They had been invited there under the establishment of liberal institutions, and in fighting to maintain them they had evinced a courage and patriotism worthy any age or country. The progress of the war in that country, marked as it is by a spirit of the most ferocious and sanguinary barbarity on the part of the Mexican commander, must shock every man of common humanity. Was it not natural, then, that the sufferings of the people of that country should excite the sympathy of those of the United States?

Mr. SUTHERLAND also defended the appropriation at some length. While he was opposed to any collision with Santa Anna, yet he was in favor of having a competent number of brave troops on the frontier, which would be the best means of preventing such collision. He hoped the bill would be passed at once, and that means should be thus provided to meet any emergency which might occur.

Mr. GRAVES was not opposed to the passage of the bill. He concurred, however, with his colleague, [Mr.

UNDERWOOD,] that the documents which had been read should be printed, and an opportunity afforded of examining the whole subject before any final action on it. This course was also sanctioned and approved by the chairman of the Committee of Ways and Means.

Mr. CAMBRELENG here interrupted the gentleman from Kentucky. It was true that he had acquiesced in the suggestions of the gentleman from Kentucky [Mr. UNDERWOOD] when the bill was first taken up. The debate which had since taken place had changed his opinion entirely. He had no idea, when he agreed to a postponement of the measure for a day or two, for the purpose of enabling gentlemen, who desired to do so, to examine the documents which had been read, that they should have a debate about a Mexican war. He was now satisfied that any further delay was unnecessary, and that the bill ought to be passed before they adjourned that day.

Mr. GRAVES was unable to perceive any good reason for the change which the gentleman avowed had taken place as to his course on this subject. He (Mr. G.) still thought that the papers which had been read, and also the additional information which had been suggested by several gentlemen, should be laid before them in a printed form, before they acted finally on this bill; and, for this purpose, he moved that the committee rise.

The question being put, there appeared, from the sound, to be a majority in the negative; but a count being called for,

Mr. GRAVES modified his motion, by moving that the committee rise and report the bill to the House.

The motion was decided to be out of order, while an amendment was pending.

Mr. SEVIER next addressed the House in favor of the bill, and in reply to the remarks of Mr. GARLAND, in reference to the boundary line between the United States and Texas.

After a suggestion or two by Mr. ASHLEY, the amendment of Mr. McKAY was agreed to; when the committee rose, reported the bill to the House, and the amendment adopted in committee was concurred in.

Mr. WISE requested leave to explain his reasons for voting in favor of the bill. He said there were current rumors of dangerous disturbances on the boundary of Texas, and he thought the people should be protected on that frontier. There were also rumors and fears that Santa Anna had been sending agents to excite the Indians to warlike movements, and they would not, if once excited to action, recognise or respect either side of an imaginary boundary, but would as soon wield the tomahawk or take a scalp upon one side of the line as the other; and it was known that the people of the frontier settlements were fleeing in terror. He hoped the authority given to General Gaines would be so exercised as not to disturb the harmony between this Government and Mexico; and, as a measure of prudence and precaution, he was willing to vote for the appropriation.

Mr. MASON, of Ohio, explained his former remarks, in reference particularly to the terms in which he had spoken of the citizens of Texas. He believed there were some men of great respectability residing in that province.

The question being on the third reading of the bill, Mr. MILLER asked for the yeas and nays; which were ordered, and were as follows:

YEAS—Messrs. Adams, C. Allan, H. Allen, Ash, Ashley, Bailey, Bean, Beaumont, Bell, Boon, Bouldin, Brown, Burns, Bynum, Cambreleng, Carr, Carter, Casey, Chapman, N. H. Claiborne, J. F. H. Claiborne, Clark, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Crane, Cushing, Cushman, Darlington, Deberry, Denny, Dickerson, Doubleday, Dromgoole, Dunlap, Forester, French, Fry, P. C. Fuller, William K. Fuller, J. Garland, Rice Garland, Gillet, Glascock, Granger, Grantland, Graves, Grayson, Griffin, Haley, H. Hall, Hamer, Hannegan, Harper, A. G. Harrison, Hawes, Haynes, Hiester, Holsey, Hopkins, Huntington, Huntsman, Ingersoll, W. Jackson, Jabez Jackson, Jarvis, Jenifer, Joseph Johnson, R. M. Johnson, H. Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lay, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Lincoln, Logan, Loyall, Lyon, Abijah Mann, Job Mann, J. Y. Mason, William Mason, Moses Mason, Maury, McComas, McKay, McKeon, McLene, Miller, Milligan, Morgan, Morris, Muhlenberg, Owens, Page, Patterson, Pettigrew, Peyton, Phelps, Phillips, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Schenck, A. H. Shepperd, Shields, Shinn, Sickles, Spangler, Standefer, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, W. Thompson, Toucey, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, White, Elisha Whittlesey, Thomas T. Whittlesey, Wise—146.

NAYS—Messrs. Hazeltine, Love, Potts—3.

The bill was then passed, and

The House adjourned.

MONDAY, MAY 9.

PROCEEDS OF THE PUBLIC LANDS.

The House resumed the consideration of the motion heretofore submitted by Mr. WILLIAMS, of Kentucky, to refer to the Committee of Ways and Means, with instructions, a preamble and resolutions of the Legislature of Kentucky on the subject of the public lands.

Mr. WILLIAMS modified his motion, by proposing to refer said preamble and resolutions to the Committee of Ways and Means, with instructions to report a bill distributing the proceeds of the sales of the public lands among the several States, according to their federal population, to be applied to such objects and for such purposes as the Legislatures of the States, respectively, shall determine.

Mr. WILLIAMS rose to address the House, when

Mr. GRAVES requested him to give way for a moment, to enable him to make a remark or two personal to himself, in reply to an attack made upon him in the Globe this morning.

Mr. WILLIAMS would yield the floor for that purpose.

Mr. BOON protested against the practice of one member yielding the floor from time to time to another, and afterwards claiming it as a matter of right. If the gentleman from Kentucky, entitled to the floor, again yielded it, he would contest his right to it until other members who chose to do so had addressed the House.

Mr. WILLIAMS would not give way if the gentleman from Indiana objected.

Mr. GRAVES would not press his request, if it would be the means of depriving his colleague of the floor. It was the first time, he believed, that any objection had been made, where a member had asked the consent of the House to make a statement personal to himself.

The CHAIR said, if the gentleman from Kentucky, [Mr. WILLIAMS] declined yielding the floor, he would proceed with his remarks on the subject before the House.

Mr. WILLIAMS then proceeded to address the House on the subject of the instructions moved by him to the Committee of Ways and Means, and in reply to such of the arguments of his colleague [Mr. HAWES] as he considered worthy of notice; for he contended that the principal part of his colleague's speech was made up of broad denunciations, without the shadow of proof to support them.

He contended that the request from the Legislature

of Kentucky was an expression of public opinion, and ought to be received as such, and hoped his colleague would receive that expression now, as he had contended it should have been heretofore received. His colleague had charged the Legislature of his State with having acted in bad faith, and for political effect, in relation to this measure. Mr. W. repelled that charge. He had more confidence in the Legislature of his State than to suppose they would act in bad faith on so important a subject as the present. He contended that they had acted in good faith, and agreeably to the wishes of the people of Kentucky, who felt a deep and abiding interest in this subject. With respect to the assertion of his colleague, that there were only four representatives of the people of Kentucky on that floor, and that there were nine who were not the representatives of the people, he would say that his (Mr. W's) constituents were decidedly in favor of a distribution of the proceeds of the public lands. Mr. W. said, as his colleague had boasted of having always acted in conformity to the will of his constituents, he would ask him whose representative he was on the memorable occasion of the passage of the bill commonly called the force bill? His colleague's name, he said, would be found in a very lean minority voting against that measure; which measure, Mr. W. contended, was concurred in by ninety-nine out of a hundred of the people of Kentucky. His colleague had said that he never would vote for a measure which would bring his constituents to ask or receive money of the General Government. Now, Mr. W. thought it rather extraordinary that his colleague would not vote for a proposition allowing his constituents to receive what they were entitled to. Mr. W's constituents did demand the passage of the land bill, and they demanded it as a matter of right. But his colleague had said, would you have the people, who were masters, ask of the representatives, their servants, to give them this? Why, Mr. W. had always considered the relation of master and servant to be such, that the master had the right to ask his servant to give him that which he was entitled to; but his colleague had reversed the nature of things. His colleague had also said, if this bill did pass, that it would take the whole of that portion of the money which would go to Kentucky to educate the children in his district. Mr. W. thought it a singular kind of argument, that because there would not be enough of money to educate all the children in a State, that therefore it should not be allowed to receive any thing for purposes of education. But he said that his proposition went to distribute the proceeds of the sales of public lands, not for a limited time, but while there were lands in the market. Mr. W. said we had now arrived at a period of unusual prosperity; a period which, to a certain extent, was to fix the policy and future destiny of the country. The country had reached a height of prosperity at which few Governments had ever reached at so early an age. He said we were now out of debt, had paid off the debts which we had incurred during our struggles for liberty; we had paid off, and were still paying off, those who had rendered service in days of trial; and, notwithstanding all that, we had an overflowing Treasury, which was increasing with a rapidity heretofore unknown. Ought they not, then, to fix upon some plan for disposing of this money? There were different means of disposing of it. Some were for preparing the country for defence in time of war, by increasing the navy, building up of fortifications, &c. He would go as far as any member on that floor to put the country in a condition for ample and complete defence; he would go as far as the farthest in increasing the navy; but he was opposed to a system of fortifying the whole seacoast. He pronounced it impracticable: they never could put the whole Atlantic coast under fortification. He was in favor of having certain points fortified, and to have navy yards protected; but he contended that the most effective way of preparing for war was by railroads, canals, and improving the navigation of watercourses. By that means, in a short time, any number of men, and any amount of munitions of war, might be brought to a certain point. He considered this much more efficient than to fortify the whole seacoast. He was opposed to the public moneys remaining in the deposite banks. He did not, however, pretend to say that they were unsafe. The presses of one political party said they were unsafe, while those of the other pronounced them safe. He would not pretend to decide that point; but whether it was in the vaults of the deposite banks, or in those of the United States Bank, still he would be for removing it and returning it to the pockets of the people. The mere question of the money being safe or unsafe, ought not to influence the vote of a single man. If the money was unsafe, the bill could not make it safe. The money should be returned to the people in the same proportion in which it was taken from them. Another reason why the money should not remain in the vaults of the banks was, that it was leaving too much power and influence in the hands of those who had charge of the money. It was the duty of the representatives of the people to remove temptation from the President and Secretary of the Treasury. However patriotic and honorable the present President might be, it was unknown who was to be his successor. Let who would be his successor; whether it was to be Martin Van Buren, Hugh L. White, or William H. Harrison, still he would put the money out of their reach, because there might arrive a time when the money would be grasped to perpetuate a continuance in the office of President for life. It was the duty, therefore, of the representatives of the people to remove as far as possible all temptation from the officers of the Government. Some (Mr. W. said) had constitutional objections to this measure of distribution. He would only say upon that subject that he, for one, had no constitutional scruples. He did not believe that the framers of the constitution ever intended that money should be collected to be hoarded up by the Government in all time to come. Mr. W. then argued that they had the right to distribute the proceeds of the sales of public lands; and asserted that although Kentucky had paid in her proportion to the public Treasury, yet she had never received the first dollar from the Treasury, while millions had been expended in other States.

Mr. TOUCEY obtained the floor, but gave way to

Mr. C. JOHNSON, who submitted a motion to postpone the subject before the House, and also other debatable petitions upon the Speaker's table, until Monday next, and that the rule be suspended for the purpose of calling on States for petitions which should give rise to no debate. Mr. J. subsequently withdrew the motion.

Mr. TOUCEY being entitled to the floor, but preferring to postpone his remarks until another day, he yielded the floor to

Mr. BOON, who rose and addressed the House as follows:

Mr. Speaker: It has become so much a custom in debate on this floor for gentlemen, who are distinguished for learning and talents, to speak upon all or any other subjects except the immediate subject-matter under consideration, as to induce me to entertain a hope that I, as a plain and unpretending farmer and backwoodsman, will not be considered out of order should I, in the course of my remarks on the present occasion, chance to make a small digression from the main subject now under consideration.

The few remarks which I am about to submit will be

made with a view to offset some of the remarks which were made by the gentleman from Kentucky, [Mr. C. Allan,] who first addressed this House in support of the resolutions of the Kentucky Legislature, in favor of the principles which are contained in Mr. Clay's land bill. The gentleman from Kentucky, after having congratulated himself and the country upon being able, as he said, after "three months of worse than useless debate," to approach the great and important subject of distributing the proceeds of the public lands among the several States of this Union, then left the subject under consideration, and entered warmly into the subject of party politics, by first reading numerous extracts from public documents, and copies of private letters said to have been written by General Jackson long before he had been spoken of as a candidate for the presidency, in order to prove that General Jackson, while administering the Government, had not acted upon the same principles that he had recommended to his predecessor, James Monroe.

Now, Mr. Speaker, who that knows any thing concerning the state of the political atmosphere and the state of parties under Mr. Monroe's administration, does not know that there was then a perfect calm in politics, and that all parties gave to his administration a fair, just, and liberal support? During the eight years of Mr. Monroe's administration there existed no political factions, headed and led on by reckless political leaders, as has been the case ever since General Jackson was first inaugurated into office.

Just before the close of Mr. Monroe's administration, the country was divided into four parties in politics, to wit: a Clay party, a Crawford party, a Jackson party, and an Adams party. After the memorable election of President by Congress in 1825, there were but two parties in politics—an Adams and Clay party, called "national republicans," and a Jackson party, composed of the democracy of the country. And under these names and political leaders the war was carried on until after the election of President in 1832, when the country, led on by a set of ambitious political demagogues, again became divided into numerous parties or factions, professing to entertain entirely different principles, but, at the same time, united all their energies in opposing the measures of the present administration.

Mr. Speaker, we have heard much complaint from those opposed to the present administration about proscription for "opinion's sake." Sir, at what period of our political history was the work of "proscription for opinion's sake" carried on with more virulence than it has been by the modern "whig" party, from the commencement of the late administration down to the present period? Sir, I well recollect that Mr. Clay, a prominent leader of the "whig" party in politics, while acting as Secretary of State during the misrule of the late administration, held the doctrine that it would not do to give to his political enemies sticks to break his own head with; and, acting upon this principle, I believe, that the publication of the laws of Congress was transferred from all Jackson newspapers to those which were then in the support of the administration, or to such newspapers as could be purchased up by the patronage of the Government!

I could here relate a good anecdote touching a proscribed editor of a public newspaper in the district formerly represented by myself in Congress, during Mr. Clay's administration of the State Department, but I am not disposed to trouble the House with the whole story. I will only say that Elihu Stout, editor of the "Western Sun," at Vincennes, in the State of Indiana, was proscribed by Mr. Clay, because the editor of the "Sun" was an uncompromising Jackson man. I well recollect, too, that, under the late administration, the first questions asked of an individaul who became a candidate for office was: "Is he in favor of the present administration?" If not, he was proscribed through the ballot-box; and so it is at the present day. "Whig" conventions and public meetings are recommended, and are being held, in every State in the Union, for the grand purpose or organizing the whole "whig" force in one common cause of political warfare; and the friends of General Jackson, Martin Van Buren, and Richard M. Johnson, are to be proscribed for "opinion's sake," by those very individuals who are so loud in their complaints against others for what they themselves are in the daily habit of performing. Surely, Mr. Speaker, our "whig" neighbors must place a poor estimate indeed upon the good sense of the people of this country, if they really believe that the people are so very ignorant as not to see through and to understand all the hollow deception which is now being played off by the modern "whigs." The people fully understand the subject, and will treat it as it deserves to be treated by independent freemen.

I have before said, Mr. Speaker, that after the presidential election in 1825, all the parties in politics were reduced to two parties; that is, a party in power, and a party out of power. And so it is at the present time. Now that there is another presidential election close at hand, all the political factions are arrayed under the banner of the new-born whigs of 1834, in opposition to the nominees of the Baltimore convention for President and Vice President; and those who compose the Jackson party are denounced by the new-born whigs, as "collar dogs."

Mr. Speaker, for myself, I am proud of the title thus conferred by the whigs of 1834. Dogs wearing the collar of their master are generally considered to be a superior class of dogs, having the entire confidence of their masters. Sir, I am a party man, and one of the true collar dogs, (so called by the modern "whigs,") and am proud to wear the collar of such a man as Andrew Jackson, whose collar is the collar of democracy. The charge that the Jackson party are proscriptive in their feelings and actions is utterly without foundation in fact. The democratic State of Indiana has given her vote on three several occasions to the present Chief Magistrate, and yet there has never been a Jackson majority in her State Legislature, nor has she ever elected a Jackson Governor.

I have said thus much, Mr. Speaker, in reference to party politics; and now to the subject under consideration. My first object will be to show that, in truth and in fact, there is no surplus revenue in the Treasury to distribute. Bills have been reported by the two Houses of Congress during the present session, appropriating upwards of twenty-seven millions of dollars, and treaties are now in progress with certain Indian tribes which will require six millions and a half of dollars more, making up the sum of upwards of thirty-three millions of dollars, while the revenue on hand on the 1st of April was only thirty-one millions nine hundred and ninety-five dollars; so that all the ado about the vast amount of surplus revenue is a mere political humbug, gotten up for political effect. This subject of distributing the proceeds of the public lands among the several States was introduced just before the last presidential election, and now that another election of President is near at hand, this subject is again revived and pressed with great zeal, and the avarice of the people is appealed to from the halls of Congress, with a view to influence them in favor of the measure.

Mr. Speaker, let the people of this country once become satisfied that they are taxed over and above an amount which may be necessary for the ordinary expenses of the Government, and they will tell you to

keep the fingers of your tax-gatherers out of their pockets, and leave them to apply their own money as they may think proper. Sir, let the question be made before the people, by candidates for office, the one declaring himself to be in favor of taxing the people, for the purpose of raising a large surplus fund, to be distributed among the States of this Union, and the other one declaring himself opposed to the measure, and it will require no political prophet to fortell the decision that would be made by the people. Sir, I should like to be opposed upon this principle before the people of the first congressional district of Indiana, or before the people of the whole State. The people are humbugged by telling them of the hundreds of thousands of dollars they would receive by a distribution of surplus revenue, all of which have been taken from the pockets of the dear people by a system of taxation not called for, for the "general welfare of the United States."

Why, I ask, are the public lands selected as the particular item of revenue, to be distributed out among the several States? Should the present system of disposing of the public lands be continued, it will not be long before all the most valuable portion of the public lands will fall into the hands of rich speculators, who will have the power of preventing settlement from being made in the new States, and thereby prevent many poor but honest citizens from obtaining a home for themselves and their families. Sir, it should be the object of the Government to have the Western wilds settled and cultivated. Let the public land be reduced in price, and sold to none but actual settlers thereon, and then the new States would grow in wealth and enterprise, and would soon become able to make their own internal improvements, without the aid of the General Government.

Mr. Speaker, I might detain the House longer, but as speeches are not made so much with a view to enlighten members of Congress as to operate upon the country, I will conclude my remarks; and, in writing out my speech, I will endeavor to correct some of the many blunders which I have made in speaking.

Mr. GRAVES next took the floor; but the special order being called for,

Mr. LINCOLN moved to take up the joint resolution from the Senate, "to authorize the Secretary of War to receive additional evidence in support of the claims of Massachusetts for disbursements, services, &c., during the late war."

Mr. McKIM objected. This day was set apart (at least until one o'clock) for the presentation of petitions. No opportunity had been afforded for the last three weeks to present petitions, and he had in his possession one which he desired to have referred.

Mr. WARD hoped the gentleman would withdraw his objection. The resolution would give rise to no debate, and it was important that it should be passed.

The resolution was taken up, the question pending being the following amendment, reported by the Committee on Military Affairs:

"And that in the settlement of claims of other States upon the United States, for services, disbursements, and expenditures, during the late war with Great Britain, the same kind of evidence, vouchers, and proof, shall be received as is herein provided for in relation to the claim of Massachusetts, the validity of which shall be, in like manner, determined and acted upon by the Secretary of War."

The amendment was concurred in, and the resolution, as amended, was read the third time and passed.

NAVAL SERVICE BILL.

The House resumed the consideration of the following amendment of the Senate to the naval appropriation bill:

"SEC. 2. *And be it further enacted*, That an exploring expedition to the Pacific ocean and the South seas be, and the same is hereby, authorized and directed, and that the President of the United States be, and he is hereby, authorized to prepare and send out for that purpose a sloop of war, and to purchase or provide such other smaller vessels as may be necessary and proper to render the said expedition efficient and useful.

"SEC. 3. *And be it further enacted*, That the use of so much of the appropriations for the support of the navy, and of the means and facilities under the control of the Navy Department, as may be necessary and proper for that object, be, and the same is hereby, authorized; and, in addition thereto, the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated."

The question pending being the following substitute for the foregoing, adopted in Committee of the Whole on the motion of Mr. JARVIS:

Strike out all after the word "that," in the first line, and insert:

"The President of the United States be, and he hereby is, authorized, if in his opinion the public interest shall require, to send out a surveying and exploring expedition to the Pacific ocean and the South seas; and for that purpose to employ a sloop of war, and to purchase or provide such other small vessels as may be necessary and proper to render the said expedition efficient and useful; and for this purpose the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated; and, in addition thereto, if necessary, the President of the United States is authorized to use other means in the control of the Navy Department, not exceeding one hundred and fifty thousand dollars, for the objects required."

Mr. PATTON said that when he was interrupted the other day by the calling of the orders of the day, he was proceeding to state the ground of his objection to the amendment proposed by the committee of the House to the amendment of the Senate. He apprehended that the point of his objection had been misunderstood. He did not intend to make an argument against the authority of the Government to fit out and direct such an exploring expedition. He had his doubts about it, but was willing to hear what could be said in favor of it, and to indicate the result of his reflections upon it by a silent vote. But he objected to the change of the proposition made by the Committee on Naval Affairs of this House. The original proposition was, that Congress should authorize and direct the institution of this expedition. The amendment proposed to make an appropriation authorizing the expedition, provided the President should be of opinion that it was expedient to send it out and establish it.

The gentleman from Connecticut [Mr. TOUCEY] is mistaken in supposing that, by the amendment, Congress decides that the expedition is proper, but he gives the President the privilege of preventing it, if he thinks it ought not to be undertaken; and if it were so, it would not remove the objection. If this thing be right, we ought to direct it to be done by law, and leave the President to execute the law. If it be not right in our opinion, or if we are not satisfied that it is right, we ought not to leave it in the discretion of the Executive to do it. Mr. P. said he held it as an important principle in the administration of the affairs of the Government, that as little discretion as possible should be transferred to the executive department; that Congress, the legislative department, whenever it is competent to that department, should direct what ought to be done in the execution of the legislative powers of the Government, and that the executive department should be confined

to the execution of the laws as directed by Congress; and, in relation to this matter, I maintain that the amendment involves a transfer to the executive department of a portion of the legislative power of Congress, and to devolve upon him a responsibility and burden which appropriately does not belong to the duties of an Executive. Is this business of instituting an expedition to explore distant seas and regions a proper subject of legislation, or is it not? The very terms of the original proposition, as well as those of the amendment, show the general sense that it must be authorized by Congress. If so, it is a part of our legislative power to authorize it, or not to authorize it. The Executive has no power to institute it until Congress shall by law authorize it. When, therefore, instead of deciding that it shall be instituted, we refer it to the Executive to say whether it shall be instituted or not, we invest him with a part of our legislative power, and shift from our own shoulders the responsibility of doing what, if done at all, we ought to order to be done. The principle of the amendment, in my judgment, goes the whole length of sanctioning our right to devolve upon the Executive the whole legislative business of the country, if we thought he could do it better, and were disposed to relieve ourselves of the burden of it.

Mr. P. said he thought it invaded that principle of separation, which ought to be so sedulously preserved between the several departments of the Government, the importance of which could hardly be overrated for maintaining the just theory and harmonious action of the system. Mr. P. said he knew not, and cared not to know, whether the performance of this duty which it is proposed to devolve upon the Executive would be agreeable to him or not. He may consider it an unpleasant duty, or he may desire the privilege of authorizing what some parts of the country think so beneficent a measure, or he may be entirely indifferent about it. I know nothing about this. My objections are not influenced by any desire to relieve the President from a burden, or deprive him of any gratification. I object to the principle of the amendment, under which, it seems to me, we might, with the same propriety, transfer to the Executive the discretion to do or not to do any other legislative duty. If this expedition ought to be undertaken, let us direct it absolutely and positively to be instituted. If it be not right to institute, let us say so, and prevent it from being proceeded in. We surely ought not to be persuaded to abstain from the performance of our own peculiar legislative duty in determining if this expedition ought to be directed, and to devolve it upon the Executive, by the reason given by the chairman of the Committee on Naval Affairs, to wit: that we have not the necessary information, or means of obtaining it, to enable us to decide it. I am not prepared to give any sanction to it until I have the necessary information to satisfy me it ought to be carried on.

Mr. HAMER said he concurred, to a great extent, in the views of the gentleman from Virginia [Mr. PATTON] who had just taken his seat. He was of opinion, and had so expressed himself the other day when the subject was before the House, that each department of the Government ought to act independently, and upon its own responsibility. Each branch, whether executive, legislative, or judicial, ought to manfully meet and settle every question presented to it, without attempting to shrink from its duty, or to shift responsibility from its own shoulders to any other department. The Senate had thus acted in reference to this subject, whilst the amendment now proposed by the Committee on Naval Affairs of this House referred the whole question to the discretion of the President of the United States. He had as much confidence in the wisdom, intelligence, and patriotism of the Chief Magistrate as any gentleman; but he thought we ought to decide this question ourselves. He therefore preferred the original amendment of the Senate to the modification of our committee. He had, however, conversed with several friends of the appropriation, who seemed inclined to acquiesce in the present amendment; and he should so far yield to their wishes as not to interpose any strenuous opposition to the views of the Naval Committee. If a majority of the House were disposed to adopt it in this shape, he would not insist upon the original proposition.

He was the more inclined to yield to this amendment, because he believed the effect would be precisely the same. The expedition would be sent out under either provision. The last seven years had shown, that under no previous administration had maritime interests been more kindly cherished and thoroughly protected than they have been under the care of the enlightened and patriotic chief who now presided over the executive department of our Government. He, who had been always alive to the interest and honor of his country, would be neither insensible to the advantages of this expedition, nor slow in the execution of a trust reposed in his discretion.

This measure had been objected to, as novel and extraordinary in its character. Gentlemen had not examined the subject, he thought, who made these objections. Almost every nation in Europe had, at one time or other, sent out similar expeditions. France, England, Russia, and Prussia, as well as several of the secondary nations of Europe, had authorized such expeditions. He would go no further back than the voyage of Christopher Columbus, who had three hundred years ago discovered a new world, and conferred such important benefits upon the whole human race. His was by no means the first voyage of the kind; but, from that day down to the present, similar expeditions for discovery, exploration, and survey, both by sea and land, had been set on foot by the civilized nations of the old world, and had, in almost every instance, resulted most beneficially, not only to the authors, but to the whole family of nations. The information thus acquired was thrown into the common stock; it was published for the benefit of all; and no nation was more ready to seize upon the results of these discoveries, and turn them to its own advantage, than ourselves. It was known to every man who had examined the subject, that our mariners were navigating the ocean, almost exclusively, by the aid of charts furnished us by foreigners. The immense amount of wealth daily flowing into our country from foreign commerce owed its security, amidst the dangers of the great deep, to the information we had derived from the explorations and surveys made by others in former times, as well as in the present age. The expedition is not novel, therefore, nor is it at all extraordinary.

It had been pronounced a visionary project, and one gentleman had compared it to an expedition to the moon. He was surprised to hear gentlemen indulge in the use of such language. They surely had misapprehended the meaning of the term "exploration," as used upon this occasion. The expedition, so far from being visionary, was one of the most practical kind that could well be imagined. It was sent out, not so much to discover new islands and continents, as to explore and examine those which were already known. It was, in a great measure, to collect information, and imbody it in such a form as would enable our hardy and enterprising countrymen to navigate those seas and to prosecute their labors in safety. If any gentleman who entertained such opinions would look into the documents upon our tables, connected with the subject, he would be convinced that it was one of the most practical affairs that had been proposed during the present session of Congress. It had been asked for by practical men, and recommended by

many who had themselves sailed in those seas, and were personally acquainted with the imminent perils which had to be encountered in such voyages. These men were not likely to be carried away by wild and visionary schemes; and when the measure had their decided approbation, it would be well for gentlemen to pause before they gave it an unqualified denunciation.

Some gentlemen seemed to question our constitutional authority to send out this expedition. He had no doubts upon that subject. The power was to be found in that clause of the constitution which allows us to regulate commerce with foreign nations and among the several States. It was under that clause of the constitution, he said, that we now had Mr. Hassler, with his splendid apparatus and scientific corps, engaged in surveying the whole maritime coast of the nation. No one doubted our authority to do this; and the most important and useful results were likely to follow the surveys. Among others, he would name the recent discovery of a channel at the city of New York, about two feet deeper than any one known to the oldest inhabitants, or to the most experienced and skilful pilots upon that coast. It was under this clause of the constitution those surveys were progressing; and if we had a right to survey and note upon charts the channels, the rocks, quicksands, and islands, along our own coast, because our vessels were engaged in navigation among these dangers, why could we not make similar examinations, with the same object, in any seas which were frequented by our vessels? In principle, there was no difference. The safety of our commerce was the object in each case; and the mode of affording that safety was not varied.

We had never sent out such an expedition upon the ocean, although our public vessels were instructed to collect all such commercial information as might fall within the range of their observation, and to preserve it for the public benefit. But we had had several such by land to the great interior of this continent. Every gentleman would recollect the expedition of Lewis and Clark to the Rocky Mountains. What was the object of that expedition? It was to acquire information with regard to an unknown region of country; to open an intercourse with the natives; to ascertain the natural resources of the country, and to promote the interests of science. By reference to the instructions, which were drawn up by Mr. Jefferson himself, it would be seen that they were to notice the soil and face of the country; its vegetable productions, especially those unknown in the United States; and the present races of animals, as well as remains or accounts of those supposed to be extinct, were deemed worthy of observation. The mineral productions of every kind were to be noted; limestone, coal, saltpetre, salines, and mineral waters, remarking the temperature and character of the latter, were all commended to their notice. To these were added volcanic appearances, climate, and the proportions of clear and cloudy weather; rain, hail, snow, ice, and frost, at different seasons; particular birds, reptiles, and insects, and the latitude and longitude of important places.

They were further instructed to hold intercourse with the natives, and to impress them with the position, extent, character, peaceable and commercial dispositions of the United States, and of our inclination to hold friendly intercourse with them.

Such were the directions given by that great and good man, Thomas Jefferson. The expedition which he sent out was exactly such a one as we now propose to send; except that one went into a wilderness almost entirely unknown to our people, and the other was to go into seas that were partially known to them, it is true, but whose rocks and reefs were not known, either to our navigators or to those of any other nation. The instructions to Long, in 1822, were similar to those given to Lewis and Clark. Indeed, Mr. Monroe refers to the instructions given to them, and directs Major Long to be governed by them in his tour. The expedition of Mr. Featherstonhaugh, the geologist, sent out to Arkansas during the last year by our Government, was instituted for similar purposes.

The practice of the Government had therefore given a construction to the constitution such as we now claimed for it. The right to make these explorations, both by sea and land, had been claimed and exercised in numerous instances, and the authority to make them could not well be doubted. At this moment, whilst we were discussing the question, Mr. Hassler was executing charts from the materials he had collected along our coast during the past summer; and it would be a most singular position to assume, that although we could require him to survey and note all the reefs and islands within sight, or within one hundred miles of our coast, because the commerce of the country was carried on through this space, yet we could not send him, for the same purpose, to another part of the ocean, equally occupied by the public armed and private merchant vessels of the United States. The ocean was the common property of all nations; and each had an equal right to navigate its waters. Every part of the ocean was within our jurisdiction; and we had the same authority to make surveys in the South seas that we had to make them along our own coast. Wherever the commerce of the country now exists, or is likely to be extended, we have the right to send protection and information. It is for these purposes that we annually send vessels and squadrons into the Mediterranean and other seas, bearing the national colors, and demanding national respect. How, then, could a distinction be drawn between this case and one which limits the surveys to our own shores? Such a position was wholly indefensible; and he would dismiss this branch of the subject without any further remarks.

If we had the power, then, to send out the expedition, let us inquire if it be expedient to do so. Who is to be benefited by it? What portion of the country desires it? If the interest of any considerable class of individuals require it, or if it be necessary to any considerable portion of our common country, having the power and the means to accomplish it, we ought to do it without hesitation. We owe protection to all classes of our citizens, and to every part of our country; and this protection should be afforded, not only freely and impartially, but it should be extended to each one, according to his own peculiar wants and condition.

He did not believe, with some gentlemen, that one great object of an American statesman was to get as much money as possible out of the public Treasury, to be expended in his own region of country, or among his constituents. That principle would render our legislation little else than a pitiful scramble for the public money. On the contrary, he viewed this great republic as one and indivisible. He did not look forward to a day when it would be split up into a number of confederacies; and, in anticipation of such an event, busy himself to get as much as possible of the common funds appropriated to his section of the country in advance. He held that no man, or set of men, could dissolve this Union. The great mass of the American people were devoted to it, and they would not permit its dissolution. He did most solemnly believe, that if it were dissolved to-day, in less than three months the people would have another constitution formed, and in full operation; and they would politically destroy any man or set of men who should attempt to prevent the reunion. The country was made to be united; the people felt it to be their interest to remain so; and he would repeat what he had before said, that this country was one and indi-

visible, and would remain so for generations to come, in spite of all the efforts of selfish, designing, or disaffected politicians to seduce the people from their allegiance, or to weaken the attachment they owed to their common country. Viewing things in this light, he had uniformly voted for whatever appeared to him to be required, in any part of the country. Appropriations often seemed to be of local character, and were so, in some respects; yet, when properly considered, they were of national character, and of general utility. Thus, a custom-house in Baltimore, New York, or Boston, belonged as much to him and his constituents as it did to the persons who resided in those cities, or to the gentlemen who represented them on that floor. They were necessary to aid in the collection of the revenue which supported the Government; and they were placed at those particular points, because it was most convenient for the commercial community, and for the whole people, that they should be thus located. So of navy yards, light-houses, forts, arsenals, dock yards, and harbors. They were all national; they belonged to his constituents as much as to any one else; and he voted for their construction and improvement with the same cheerfulness and liberality that he voted for an appropriation to remove obstructions from the great rivers in the Mississippi valley, to improve the harbors upon the great inland seas of the Northwest, or to fortify and defend the Western and Southwestern frontiers. When he voted for such appropriations for the Atlantic coast, he did not feel that he was making a donation to the States and cities on this side of the mountains; nor did he believe that any liberal-minded statesman along the seaboard thought, when he voted for expenditures beyond the mountains, that he was giving away money to the West. Such views were narrow and illiberal. The only true rule was, to give whatever the public interest required, at any and at every point, interior and exterior. There could, then, be no just cause of complaint; and the industry and enterprise of the people, aided by such appropriations, would produce general happiness and prosperity throughout all our borders.

Recurring, then, to the question propounded. What interest was it that required this expenditure? According to the best information he had been able to collect, the capital invested in the whale and seal fisheries alone, in those seas, amounted to some fifteen or twenty millions of dollars. The number of vessels was not less than four hundred; constituting one tenth of the whole tonnage of the United States. The number of seamen employed in this service was at least ten thousand. The annual value of the trade was probably six or eight millions; which was so much wealth extracted from the ocean by the enterprise of our people, and added to the common stock of the whole nation. This capital, and these men, deserve protection. The exposure is uncommonly great in these seas. They abound with shoals, rocks, and islands, not known to navigators, because they are not recorded upon any chart now in existence; whilst many of those which are marked are so incorrectly placed that they mislead the sailor, who suddenly finds himself shipwrecked in an unknown sea, far from the haunts of civilized men, and destined to become a prey to the cruel and remorseless savages who inhabit the islands, or to endure all the horrors of starvation upon some steril rock which lifts its head above the surface of a boundless sea.

Such catastrophes were of frequent occurrence. The loss of property and life in those regions had been immense. Still it did not deter our people from their employments; they met every danger, and encountered every peril, in pursuit of the monsters of the deep; and it was hard that, whilst every other class of our population was protected by the Government, such men as these should be neglected. He trusted it would no longer be so. There was one point of view in which this subject deserved our most serious consideration. The fisheries were the great nurseries of American seamen; and when war overtakes us, these were the very men upon whom we must rely to fight our battles upon the ocean. They were as ready to brave the roar and carnage of an enemy's broadside, or to wield the boarding pike under the star-spangled banner, as they were to pursue their mighty game amidst the dangers and perils of the great Pacific ocean. Whether we considered their condition in peace or in war, they were a most useful and meritorious part of our citizens, and deserved the favor and protection of the Government. Our seamen who were engaged in the cod fisheries had long been protected by the bounties allowed them upon the exportation of the produce of their labors; but no such provision had ever been extended to these men. He saw no reason for such a distinction; but it was to be hoped they would at least be aided by an improved chart of the theatre of their operations, and a demonstration of our power in those seas, which would make an impression upon the savages favorable to the future security of our mariners.

Some gentlemen appeared to consider this an Eastern measure. It was not so. The West had a deep interest in it. It was well known to all who resided in the great grain-growing States of the interior, that our principal difficulty was to find a market for the surplus productions of our fertile soil. Every thing that could supply the wants of a man, that constituted the necessaries of life, grew up almost spontaneously in the greatest abundance. But we had no market. We were continually racking our invention to find new and increased demands for our produce, and to open new avenues to the seaboard, so as to lessen the cost of transportation, and to increase competition among purchasers. This trade, which we now propose to foster, is daily increasing, and it furnishes a market already for a large amount of our surplus produce. This fleet of four hundred vessels could not go to sea without 100,000 barrels of flour; 80 or 100,000 barrels of pork and beef; 40 or 50,000 pieces of sail cloth; 8 or 10,000 tons of cordage; besides large quantities of corn, beans, and various other articles necessary to a long voyage. Have the States bordering on the Ohio no interest in such a market as this? Does not Kentucky want a market for her hemp? Do not Ohio, Indiana, and Illinois, want purchasers for their flour, pork, beef, and corn, which they all produce in such abundance? Assuredly they do; and it is chiefly to the manufacturing and commercial States, along the Atlantic, that they must look for the consumption of their produce, especially in time of peace. It was for our interest, therefore, in a pecuniary point of view, as a mere question of dollars and cents, to foster this trade, and to enlarge its capacity to consume the productions of the farming class of the great Mississippi valley. This consideration seemed to present the national importance of the measure more clearly to the mind, and finely illustrated, what must be apparent to every reflecting man, that we could not extend the aid of the Government in this country to any portion of the citizens, without producing some corresponding benefit to other and often to very distant portions of our population.

The expedition would not only perform a most valuable service, by correcting the position upon the charts of islands, reefs, and rocks, already known to exist, by discovering and noting others of which we have no knowledge, but they would survey the coasts of the islands, and ascertain where there were harbors in which ships might find shelter from storms, points at which wood, water, and refreshments, could be obtained by our vessels engaged in this trade. Besides these duties,

they would open friendly conferences with the natives, they would succeed, perhaps, in rescuing a number of prisoners, who were now undoubtedly among these islanders—the remnant of crews who had been shipwrecked along their coasts. The rescue of a husband and father, and his restoration to his disconsolate family, would be worth half the expense of the expedition; and the remainder would be covered by the redemption of some unfortunate son from his savage masters, and his return of the arms of a widowed mother. We might also succeed in impressing these people with a correct idea of the friendly and pacific policy of our Government, our disposition to hold amicable intercourse with them, and of our power and inclination to punish outrages committed upon our citizens.

In addition to the intelligent naval officers who would superintend the movements of the vessels, a scientific corps would accompany the expedition. The duties to be performed were various, complicated, and arduous; and the success of the expedition would require this organization. The labors of the naval officers would embrace every thing essentially connected with their profession; an employment adequate to the highest intellectual efforts. To ascertain with accuracy the latitude and longitude of important places visited; to correct the position of reefs and islands upon the chart, and to give place to new ones; to explore harbors, and point out places for obtaining wood, water, and provisions; to make observations tending to throw new light upon the obscure laws which govern the magnet; to open an intercourse with the natives, and to cause our flag to be known and respected in those seas—these and other kindred duties, requiring great prudence and capacity, with unusual skill and professional attainments, would furnish employment to the naval officers having charge of the squadron.

Upon the scientific corps other duties would devolve, no less arduous and important. He could not descend to details. It was sufficient to say that the whole field of natural philosophy and natural history lay open before them. No part of it should be neglected, for its object entered largely into the elements of commerce, and had an acknowledged value among all civilized nations, and with all enlightened minds. The animal productions of those remote regions, whether inhabiting the land, the ocean, or the air, would require particular attention. The vegetable and mineral productions could not be overlooked. Every object connected with the present commerce, or calculated to open new channels for trade, would be journalized and preserved. The Executive should be able to speak of this corps in the language of President Monroe's instructions to Major Long: "Great confidence is reposed in the acquirements and zeal of the citizens who will accompany the expedition for scientific purposes; and a confident hope is entertained that their duties will be performed in such a manner as to add both to their own reputation and that of our country." The two corps thus selected and constituted, each filling its appropriate department, though blending and aiding each other in harmonious action, could not fail to acquire a mass of valuable information calculated to enrich our commerce; to give new vigor to enterprise; to enlarge the boundaries of science, and to increase our national renown by an additional wreath of glory.

This led him to notice some remarks that fell from the gentleman from Kentucky [Mr. HAWES] in relation to an individual who had acted a prominent part with regard to this subject. He alluded to J. N. Reynolds, Esq., who, at the request of the Committee on Commerce, and by permission of this House, had delivered an able and eloquent address here some weeks ago, in favor of the expedition. He did not believe the gentleman from Kentucky had heard the address. If he had, most, if not all, of his prejudices and objections would have been removed. Mr. H. said he had known Mr. Reynolds from his boyhood, and knew him well. He came from his neighborhood in Ohio, where he was educated, and studied the law. He was a man of as pure principles and fair character as any man upon that floor. His efforts in this cause had been wholly free from any selfish considerations, and, in all he had done for the last seven or eight years to promote it, he had been actuated by those feelings of patriotism which should animate every American heart. He had no doubt, if the expedition were authorized, that Mr. Reynolds would be employed to accompany it; for he possessed more information with regard to those seas, and was in every way better qualified to make the expedition what it ought to be, than any man within the circle of his acquaintance. He was in possession of all the facts which had been collected in reference to that portion of the globe which was to be examined and explored, and he possessed the entire confidence of all who knew him. His writings had attracted the attention of men of letters in Europe as well as in this country, and literary societies and institutions had conferred upon him some of the highest honors they had to bestow. Still, this gentleman, who was an honor to Ohio and to our whole country, might not accompany the expedition. But that fact would have no influence upon his course. Mr. H. was authorized to say that his (Mr. R's) zeal for the success of the measure, and for the interest of the expedition, would continue unabated; and whatever he could do to insure its prosperous termination would be cheerfully performed. Thus much he felt himself bound to say in defence of his friend, who, although the gentleman did not mean to assail him, might suffer in public estimation from the remarks which had been made, if they remained entirely unanswered.

What were the evidences of public opinion in favor of this expedition? In a Government like ours, public opinion was every thing. It was proper that it should be so. Enlightened public opinion was always right; and it was a great moral lever which, in a good degree, now governed the civilized world; and the time was rapidly approaching when it would be completely triumphant in all the political movements that took place in this country.

This measure had been asked for by the whole commercial and navigating community, so far as they have expressed an opinion. The members of the Legislatures of eight different States have, within a few years past, recommended it to our favorable consideration; New York, New Jersey, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, and Ohio, had, in this manner, decided in its favor. Many of the commercial towns and cities had petitioned for it. The East India Marine Society of Massachusetts, all of whose members, by the constitution, must have personally doubled either Cape Horn or the Cape of Good Hope, had sent us a pressing memorial in its favor. This document was entitled to great weight. It came from gentlemen who had experience, combined with intelligence, upon this subject. They had personally seen and braved the dangers which every where meet the navigator who penetrates into the regions which it would be the business of this expedition to explore and describe. To their testimony might be added that of two of the most able and experienced commanders in the American navy, Commodore Downes and Captain Jones. Their letters were among the documents upon our tables. They were valuable for more purposes than one; they refuted the idea, advanced by some, that our ordinary squadron sent out to the Pacific to protect the trade of our citizens could accomplish all that was desirable. Speaking of this subject, Commodore Downes says:

"An expedition, fitted out for the purpose of improving our knowledge of the hydrography of those seas, has often been the subject of my reflections. As the representative of a district largely engaged in the whale fishery, you [Mr. REED] must frequently have seen, from the reports of masters of vessels engaged in that business, accounts of new islands and reefs being frequently discovered, and which are either not laid down on the charts, or so erroneously marked that they can give no security to the mariner. It is probable that not less than five hundred of these islands and reefs have been marked with sufficient accuracy by our whalers, sealers, and traffickers of one kind or another, to enable an expedition to examine the most important of them, without much loss of time in seeking their positions. This will enable the discovery vessels to do more, in less time, than has probably ever been effected by a similar enterprise from any other country. The accounts given of the dangers and losses to which our shipping is exposed, by the extension of our trade into seas but little known, so far, in my opinion, from being exaggerated, would admit of being placed in bolder relief, and the protection of Government implored in stronger terms. I speak from practical knowledge, having myself seen the dangers, and painfully felt the want of the very kind of information, in the guidance of a vessel in those seas, which our commercial interests so much need, and which, I suppose, would be the object of such an expedition as is now under consideration before the committee of Congress to give. Indeed, the whole of this business, it seems to me, is a plain and practical affair. The commerce of our country has extended itself to remote parts of the world; is carried on around islands and reefs not laid down on the charts, among even groups of islands, from ten to sixty in number, abounding in objects valuable in commerce, but of which nothing is known accurately; no, not even the sketch of a harbor has been made; while, of such as are inhabited, our knowledge is still more imperfect. It would seem to require no argument to prove that a portion of our commerce might be rendered more secure, and probably greatly increased, by vessels sent properly prepared to examine such islands"

Such is the language of this practical and able officer. In the letter of Captain Jones to Mr. Reynolds we have the following sentiments:

"My recent cruise to the Pacific ocean, in the course of which I spent some time among the Society, Sandwich, and other islands, afforded me a good opportunity of seeing in practical operation most of the branches of commerce, the advantages of which you so clearly demonstrated in your address to the Committee on Naval Affairs.

"That there is a great field open for national enterprise, in the region to which you have invited the attention of the American people, cannot be doubted; and I accord most heartily with you, that such a voyage as you contemplate would open to our commercial, and of course national interests, sources of great wealth, which cannot be brought into action without the protecting aid of Government."

Such are the opinions of another intelligent and experienced naval officer, who is intimately acquainted with the whole subject.

Now, sir, the gentleman from Kentucky, [Mr. HAWES,] I presume, was never out of sight of land in his life; he resides far in the interior, and has not devoted much time to the examination of this question; and yet he sets up his opinion in opposition to these gentlemen, and pronounces the whole scheme to be useless to the country, and perfectly visionary. Let me ask the gentleman to pause before he takes such strong ground, and review his opinions. He may find good reason to retract what he has heretofore believed, and to become the advocate of a measure which rallies such able men to its support.

It has been said, in the course of the discussion, that this subject is new to us, and we want more information before we act definitively in relation to it. Are gentlemen aware that, in 1827-'28, resolutions passed this House authorizing this expedition? Such is the fact, and want of funds alone prevented it from being sent out the following summer. At the succeeding session of 1828-'29, a bill passed this House directing the expedition, and was sent to the Senate, where it was not acted upon, for want of time. At the present session, the Senate had passed the appropriation, almost unanimously; and it now remains for us to do our duty, in that manner which becomes the representatives of a great people. We have had this subject before Congress for eight years. It has twice been adopted by the House, and once by the Senate of the United States; and yet, with all these evidences of its utility and importance, gentlemen rise in their places, and gravely pronounce it to be a hairbrained and visionary scheme, not deserving our serious examination! Such imputations were unmerited; and he hoped, upon further reflection, their injustice would be seen and acknowledged.

He thought he had shown that this expedition was not new, and that various similar ones had been organized both in Europe and in this country. Neither was it unconstitutional; for its chief object was to aid in the regulation, promotion, and security, of our foreign commerce. The expense would be but trifling, compared with the wealth and power of this nation, and the magnitude and importance of the objects to be accomplished. It was due to the commercial community and the navigating interest, as a measure of justice, and would be beneficial to all classes of our citizens. Upon what principle, then, could we refuse it? Should it be said that we, who were the second, if not the first, commercial nation in the world, must continue to navigate the ocean with the defective charts furnished us by foreigners? It was notorious that we were now doing so. It was humiliating to think of it. If we deducted from the commercial marine of Great Britain, our only rival upon the seas, the amount of tonnage which she employed in the coasting trade, which did not engage in her foreign commerce, we had probably the largest commercial marine afloat upon the ocean. Supposing this to be so, we were now the first commercial people upon the globe; and the amount of capital invested in this branch of national industry was daily increasing. Should it be said that we were so penurious, so illiberal, or so destitute of skill and enterprise, as not to extend adequate protection to our valuable and adventurous citizens, who had embarked in this trade? Would this reproach be just? He did not believe it. He was satisfied that the intelligence of the country expected us to act promptly and liberally upon this subject; and that every consideration of wisdom, justice, and sound policy, which could operate upon an American statesman, required us to make this appropriation.

Mr. REED said he was highly gratified to hear the gentleman from Ohio, [Mr. HAMER,] who had last spoken, and others residing far from the ocean, in support of the projected expedition. Mr. R. said, as a member of this House, representing those more directly and immediately interested, and having for years advocated the measure, he took the liberty to tender to those gentlemen his thanks. Their views were liberal and statesmanlike. In my opinion, (said Mr. R.,) those gentlemen, so far from having done injustice to their own immediate constituents, (as some have represented,) have consulted their true interest, and I trust their policy will be understood and duly appreciated.

All parts of our wide and extended country are striving and exerting every nerve to improve the navigation

of the rivers, and to make railroads and canals—avenues to the ocean. Who at this day calls in question the policy of the measure? The proposition we are now considering is a proposition to follow up the same policy, and to improve and extend our intercourse and commerce to the remotest parts of the world, and of course all parts of the country, and the whole country, have a common interest.

Owing to an infirmity in the understandings of men, they often take so limited a view of things as to disregard their own interest. When a public measure is proposed, we are too apt to ask, who will show us any good? instead of asking, is the proposed measure beneficial to the nation—to the country.

We are too apt to question the expediency of a measure not directly beneficial to ourselves; or, rather, because we do not perceive the benefit. Our vision is limited to a narrow circle; but if we would impartially consult our understandings, they would teach us that there often exists a mutual and close connexion between interests apparently disconnected and remote; that, upon the selfish principle of regarding our own interest only, we may often engage in improvements and enterprises far from home. But we as representatives should be influenced by a higher and nobler principle—an enlarged and national policy, which should be measured by national interest and national good.

The subject we are now considering is an appropriation for surveying and exploring the Pacific ocean and South seas. The form of the bill has been objected to by the gentleman from Virginia, [Mr. PATTON,] who spoke a short time since. He objects, because, by the provisions of the bill, the President is authorized (if in his opinion the public interest shall require) to send out a surveying and exploring expedition; and he is of opinion we ought not to devolve upon the President the duty and obligation of deciding whether the expedition ought to be undertaken or not.

I entirely concur with that gentleman in his general views upon the subject. We ought to assume the responsibility that justly belongs to the representatives of the United States, and I have no desire to avoid that responsibility. It would, therefore, have been much more in accordance with my opinion, had the amendment provided for a direct appropriation, leaving no condition or discretionary power in that respect with the President. But it seems there are some members of this House who entertain a different opinion, and they insist upon the form proposed; and believing, as I do, the result will be the same, I am disposed, in the present case, to consent to the amendment. By the bill itself we express our opinions most decidedly in favor of the expedition. The President may refuse to execute the law; but, under such circumstances, I am confident he will not. The President is not intrusted with power to do more than law provides, but may decline to act, and, in that event, the law would not be executed, and the expedition would fail.

If the bill become a law, it will be the imperative duty of the Executive to investigate the subject, or consult those who have investigated it; and I have no apprehension of the result, and do not, therefore, oppose the amendment, lest the bill might be defeated.

The gentleman from Virginia [Mr. PATTON] suggests that there may be constitutional objections, but declines to state them, or offer an argument upon that subject. Some other gentlemen have hinted at the same difficulty. For myself, I have no doubt of the constitutionality of the law proposed, and I am ready to sustain my opinions here; but I will not trespass upon the time of this House by an argument in a case, in my judgment, so plain, unless it be in reply to real objections actually made. The Pacific ocean and South seas are surely our own, as tenants in common with other nations. They are the highway of nations, and emphatically the broad highway in which we travel more, and have a greater interest, than any other nation.

A large portion (considerably more than one half) of the ships and tonnage engaged in the whale fishery belongs to the district which I have the honor to represent. It became my duty, as a Representative, years ago, to investigate the proposed expedition. My investigation resulted in the most perfect and entire conviction of its utility and importance, not only to those engaged in the fishery, but to the whole country. I have much information connected with and having a material bearing upon the subject, which, under other circumstances, and at an earlier period of the session, when we had more leisure, I should have felt inclined to present to the consideration of the committee. But knowing, as I do, that the time is short, and that there is much that ought to be done, I shall limit myself and confine my remarks mainly to a general view of the subject, referring for more minute and statistical information to the printed reports laid upon our tables, and which are before me. I beg to notice the subject in one or two points of view, which, in my opinion, have not been sufficiently noticed either in speeches or reports, and which I deem of the highest importance to the true interests of the country.

This enterprise has been denounced as novel, quixotic, and useless, &c., by the gentleman from Kentucky [Mr. HAWES] and others. If such gentlemen will examine the records of this House, they will find their mistake, and learn that it is not new; and if they will give themselves the trouble to understand a subject a little out of their spheres, they will have no room to doubt its practicability and usefulness. I presented several petitions to this House early in the year 1828, from Nantucket and New Bedford, praying for an exploring expedition, and fully setting forth its importance. On the 19th of May, 1828, I had the honor to offer the following resolutions:

"MONDAY, MAY 19, 1828.

"Mr. Reed moved the following resolutions:

"*Resolved*, That it is expedient that one of our small public vessels be sent to the Pacific ocean and South seas, to examine the coast, islands, harbors, shoals, and reefs, in those seas, and to ascertain their true situation and description.

"*Resolved*, That the President of the United States be requested to send one of our small public ships into those seas for that purpose; and that he be requested to afford such facilities as may be within the reach of the Navy Department, to attain the object proposed, provided it can be effected without prejudice to the general interest of the naval service, and provided it may be done without further appropriation during the present year.

"These resolutions were read, and discussed until the arrival of the hour for passing to the orders of the day."—*Vide Journal H. R., session* 1827-'28, *p.* 774.

"WEDNESDAY, MAY 21, 1828.

"The resolutions moved by Mr. Reed on the 19th instant, and laid on the table, were read, considered, and agreed to by the House."—*Vide Journal H. R., session* 1827-'28, *p.* 796.

The resolutions referred to met with some opposition at first, but, after a short explanation, passed almost unanimously. Preparation for the expedition was commenced, and the vessels would soon have been fitted out and sent away, but for an interference in the Senate. I always considered it an interference influenced by political considerations. I have been aware that, however

useful and expedient the expedition might be, so much had been done to defeat it, that although all political objects had been attained, the expedition must be postponed for a season. It has been postponed eight years. I have no desire to allude to political reminiscences farther than may be necessary to account for the delay. Then, the proposed expedition has long been before Congress, and before the public, and it is well known it has received unusual public approbation. The proposition has been repeatedly approved by committees of the Senate and House of Representatives, and they have given able and interesting reports in its favor. Bills have repeatedly passed the separate branches, but for want of time have failed, like many other useful measures, to become laws.

I shall not attempt to present to the committee in detail the amount and value of our various interests in the Pacific ocean. The fur trade has been a source of no inconsiderable profit. Our commerce of every description in that ocean, already great, is rapidly increasing, and capable of being vastly extended. Our whale fishery, which might seem to demand more particularly my regard and notice, has been extended over a great part of that vast ocean, and is of great amount. I refer to two short abstracts, which show the amount of capital employed in the whale fishery, and principally in those seas.

What is the amount of our interests in the seas where the principal labors of the expedition will be performed?

To say nothing of the vessels engaged in the various traffics among the islands in the Pacific, the following will show what interests we have in the various branches of the whale fishery from different ports in the United States:

Ports.	*Vessels.*	*Ports.*	*Vessels.*
New Bedford	154	Bristol	17
Nantucket	71	New London	29
Lynn	5	Norwich	1
Gloucester	1	New York	6
Portsmouth	4	Newburg	3
Warren	15	Wilmington, Del.	3
Providence	2	Dartmouth	4
Mystic	3	Wareham	1
Green Port	3	Edgarton	8
Hudson	11	Plymouth	4
Newark, N. J.	1	Salem	9
West Port,	3	Provincetown	1
Fairhaven	31	Wiscasset	1
Rochester	4	Newport	9
Falmouth	4	Stonington	3
Fall River	3	Sag Harbor	24
Dorchester	4	Poughkeepsie	4
Newburyport	4	Bridgeport	2
Portland	1		

This immense fleet of 460 sail will average about 375 tons each, making 173,500 tons, or one tenth of the tonnage of the United States.

The cost of these vessels is from twenty to sixty thousand dollars each—on an average of say forty thousand dollars—which requires an active capital of eighteen million four hundred thousand dollars.

"*The Fisherics.*—The largest cargo of sperm oil brought into the United States during the year 1835 was by the ship Parker, of Nantucket, 3,305 barrels. The average quantity to each ship arrived was about 1,920 barrels, or 60,480 gallons. The value of the sperm oil brought in by our whale ships during the past year was $5,607,000, being more than the whole amount of our demand upon the French Government, for the collection of which we are threatened with a war.

"In addition to the above, the amount of whale oil brought in the past year may be set down, at present prices, at almost two millions of dollars.

"The produce of the mackerel fishery during the past year was, as near as can be estimated, $2,405,000.

"The produce of the cod fishery we have no data by which to estimate; it might, however, easily be ascertained by the collectors of the customs in the various districts; it may probably be set down at $1,500,000.

"The produce of the fisheries of the United States during the past year may be estimated as follows:

Sperm whale fishery,	$5,607,000
Right whale fishery,	1,850,000
Mackerel fishery,	2,405,000
Cod fishery,	1,500,000
Other fisheries,	500,000
	$11,862,000"

The above extract shows we have employed in the whale fishery, and principally in the Pacific ocean, a fleet of 460 sail, amounting to 172,000 tons, one tenth of the tonnage of the United States; and they are manned by not less than 10,000 men. The capital employed, as stated, is $18,400,000, and the produce last year amounted to $7,457,000, $5,607,000 from the Pacific. Surely the interest is of sufficient value, if understood, to call for the attention and protection of Government.

The vast Pacific and Southern oceans proposed to be explored and surveyed are less known than any other part of the globe, and, being interspersed with thousands of shoals and islands and coral reefs, are exceedingly dangerous to navigation. The statement appended to the report before us, taken principally from the log books of masters of whale ships of Nantucket and New Bedford, presents a list of more than five hundred islands and reefs. It is but a few years since the statement has been published of these islands. They have laid down the latitude and longitude with as much accuracy as their situation would allow, and the country is much indebted to the masters and owners of ships for the information. But the information furnished, though valuable, is not sufficiently accurate. They possessed not the instruments, nor had they time, to fix the locations with precision. The improved instruments in use at the present time afford facilities to men of science and skill of fixing the true localities of places with great accuracy, and in a short time.

If the islands already discovered and named were first surveyed, their latitude and longitude might in a short time be accurately marked upon a chart, and be immediately and highly useful. While a part of the company were fixing the latitude and longitude of these islands, others might examine, survey, and note them in reference to dangerous reefs and harbors of refuge. It should be remembered that, however desirable, it would be wholly impracticable for individual enterprise to accomplish such a work. It is a national object, and its accomplishment must depend upon national appropriations, encouragement, and protection. I confess, viewing the subject as I do, I am surprised that gentlemen in this House who have examined it can oppose the appropriation. Do they think the price too great, when they must know it would save millions of property, thousands of lives? I will not believe it. I presume those who oppose the appropriation have looked upon the Pacific as far distant, and the pursuits and enterprises carried on there have been foreign to their accustomed habits of thinking and scope of policy. I shall presume that they have an imperfect knowledge of the subject, and perceive not its great importance. Surely no man who understands the subject would limit these enterprises; surely there can be no one who does not feel a pride and pleasure in our success, which has far surpassed all other nations.

I have before me a small book, handed to me by the

author; his name is Holden. It contains a narrative of his shipwreck and sufferings, with others, for four years upon those islands; of his cruel and barbarous treatment, and almost miraculous escape. I have evidence that his character is good, and his narrative true. I wish gentlemen could examine it for a short time. I am sure it could not fail to engage a deep interest. Many others are still in captivity, still suffering the evils from which he has escaped, and many have fallen a sacrifice to their savage barbarity. Within a few days we have received intelligence of the cruel murder of the greater part of the crew of a ship from my own county, called the Independence, of Falmouth, and the loss of the voyage, which gives an account of losses since the speech was delivered.

"WRECK.—The Awashonks, at Falmouth, brings the melancholy intelligence of the loss of the ship Independence, Brayton, of this port. The disaster occurred in December last, at Starbuck's island, a barren spot without inhabitants, lying in about 5° 30′ south latitude, and 155° west longitude. The Independence had a cargo of 2,100 barrels of sperm oil, only 300 of which were saved from the wreck. The vessel a total loss. This information was derived from the mate, who, in one of the ship's boats, with part of the crew, had arrived at Tahiti, and informed that Captain Brayton, in another boat, with the residue of the crew, left Starbuck's island in company, but were separated in the course of the third night out, and had not since been heard of. The mate was about to charter a schooner for the purpose of returning after the oil left at the island. If this statement be correct, a loss of property amounting to some fifty or sixty thousand dollars has been sustained by owners and underwriters. The Independence is owned by Messrs. H. Swift and M. Crosby, of this place, and by the captain—upwards of one half, we believe, belongs to the former. Some $20,000 were insured in this town, but what amount elsewhere we have not learned."

"MORE HORRORS.—The New Bedford Mercury publishes the following extract of a letter, received per the Awashonks, dated Honolulu, January 6. Captain Proctor, of the A., furnishes, through the same medium, a confirmation of all its details:

"'A schooner belonging to Messrs. Hinckley & Smith, on a trading voyage to the islands in the Pacific, having left the supercargo and one man to collect tortoise shell, &c., proceeded to Strong's island, where Captain Scott went on shore, as soon as he arrived, with eight men totally unarmed, and were instantly killed by the natives. They boarded the schooner and killed seven more: the mate and one boy, badly cut by the natives' spears, escaped into the cabin, where they loaded their muskets, and shot most of the natives on board, the other jumping overboard and swimming ashore; the mate and boy then cut the cable, and, after eleven days at sea, arrived at the island where the supercargo and the man were left. They took them on board, and proceeded to the Sandwich islands, where they arrived January 4, and report another schooner belonging to the same firm having had a mutiny on board—Captain Rogers, first and second mate, and three men, murdered. The supercargo having shot the ringleader, the mutineers gave up and were confined. Also, that they saw at Strong's island a whaling brig ashore, which had sailed from the Sandwich islands 14 months before, on a cruise for six months. She was owned by a company of persons at the Sandwich islands. It is supposed that she must have been taken by the natives and all her crew murdered.'"

Can gentlemen listen to these unexaggerated statements of plain truth with indifference? Can the appeals they make to our feelings and judgment be made in vain? I trust not.

We have every assurance that the enterprise would afford the most desirable and useful information. The information already obtained, though deficient in accuracy, would be sufficient to enable the expedition to find those islands without difficulty; and having surveyed and given them a place upon a chart, the information would be full. A chart containing such information would, I repeat, save the lives of thousands and millions of property. Here I cannot refrain from again referring to a letter written to me, January 21, 1835, by Commodore Downes. It is so directly to the purpose, and of so high authority, that the attention of the House cannot be too often called to it in this debate:

"CHARLESTOWN, (MASS.,) *January* 21, 1835.

"DEAR SIR: In compliance with your request that I would communicate to you, in writing, my views on the subject of a voyage of discovery to the South seas and Pacific ocean, I have to regret that the circumscribed limits of a letter will allow but little more than the simple expression of an opinion on a subject of so much national importance, and in relation to which so much might be said in detail.

"I have had some experience in the navigation of the less frequented parts of the Pacific at an earlier period of my life. During my late voyage in the Potomac, I have had an opportunity to add greatly to the knowledge acquired in former years. An expedition fitted out for the purpose of improving our knowledge of the hydrography of those seas has often been the subject of my reflections. As the representative of a district largely engaged in the whale fishery, you must frequently have seen, from the reports of masters of vessels engaged in that business, accounts of new islands and reefs being frequently discovered, and which are either not laid down on the charts, or so erroneously marked that they can give no security to the mariner. It is probable that not less than five hundred of these islands and reefs have been marked with sufficient accuracy by our whalers, sealers, and traffickers of one kind or another, to enable an expedition to examine the most important of them, without much loss of time in seeking their positions. This will enable the discovery vessels to do more, in less time, than has probably ever been effected by a similar enterprise from any other country. Of the extent of our interest in those remote seas I need not speak, as you are conversant with the subject; besides, the interest has been fairly represented by memorials to Congress. During the circumnavigation of the globe, in which I crossed the equator six times, and varied my course from 40 degrees north to 57 degrees south latitude, I have never found myself beyond the limits of our commercial marine. The accounts given of the dangers and losses to which our shipping are exposed, by the extension of our trade into seas but little known, so far, in my opinion, from being exaggerated, would admit of being placed in bolder relief, and the protection of Government implored in stronger terms. I speak from practical knowledge, having myself seen the dangers, and painfully felt the want of every kind of information, in the guidance of a vessel in those seas, which our commercial interests so much need, and which, I suppose, would be the object of such an expedition as is now under consideration before the committee of Congress to give. Indeed, the whole of this business, it seems to me, is a plain and practical affair. The commerce of our country has extended itself to remote parts of the world, is carried on around islands and reefs not laid down on the charts; among even groups of islands, from ten to sixty in number, abounding in objects valuable to commerce, but of which nothing is known accurately; no, not even the sketch of a harbor has been made; while of such as are inhabited our knowledge is still

more imperfect. It would seem to require no argument to prove that a portion of our commerce might be rendered more secure, and probably greatly increased, by vessels sent, properly prepared, to examine such islands. There are also immense portions of the South seas, bordering on the antarctic circle, well deserving the attention of such an expedition, especially during the most favorable months of the southern summer. Islands discovered in that quarter will probably be found to yield rich returns in animal fur. Indeed, discoveries of this kind have recently been made by some English whalers, supposed to be of great extent, the vessels having sailed along three hundred miles of coast lying south of the Cape of Good Hope. This may lead to other very interesting discoveries, which will probably be found, on further examination, to be a continuation of Palmer's Land, lying south of the South Shetland islands, or only separated from it by a narrow channel. Much might be said in favor of a speedy examination of this portion of the South seas; indeed, I hardly know where an expedition could go, where it might not be in the way of doing good, to say nothing of the credit our country would acquire in promoting such an enterprise.

"As to my opinion of the class of vessels best suited for such an expedition, I should unhesitatingly say, two brigs or barques, of two hundred tons each, and a tender of from eighty to one hundred tons. A great many weighty reasons might be given to show that if, in the same ratio, vessels were beyond this size, the chances of safety and extensive usefulness would be proportionably decreased.

"Very respectfully, your obedient servant,

"JOHN DOWNES.

"Hon. John Reed, *Mem. of Con.*"

The privations, difficulties, and dangers of a whale voyage would discourage men who had not been educated to contemplate it, and engaged in it from early youth; even the most prosperous separation from friends for three or four years would be regarded by most men as no trifling privation. I will not speak of the common and unavoidable danger of the contest in capturing these monsters of the deep; that would be sufficient to try the nerves and courage of any man; but I more particularly allude to the dangers of shipwreck. I beg to refer to a short extract from the report referring to a memorial from Nantucket:

"The memorial from the town of Nantucket fully confirms every statement I have made in regard to the extent of the whale fishery, although drawn from different sources. This memorial is not only clear and conclusive as to the extent and value of this important business, but presents many other important facts. The memorial speaks the most emphatic language to every patriot and philanthropist, as well as to every legislator in our country, in the following quotation: 'The great and increasing extent of the voyages now pursued by the trading and whaling ships, into seas but little explored, and into parts of the world before unknown, has increased the cares, the losses, and dangers, of our merchants and mariners. Within a few years, these cruises have extended from the coast of Peru and Chili to the Northwest coast, New Zealand, and the isles of Japan. This increase of risk has been attended by an increase in loss. Several vessels have been wrecked on islands and reefs not laid down in any chart; and this acquires a painful interest from the fact that many ships have gone into those seas, and no soul has survived to tell their fate.'"

European Governments who desire to encourage and improve their commerce and maritime power have given most liberal bounties and protection to the whale fishery. I refer to England, France, and Holland. They have offered most liberal rewards to our enterprising men to engage in their employment, but their offers have, in almost all cases, been declined. Our enterprises have surpassed all nations, without national encouragement. The nation shares the honor and benefit of their success: can we refuse to grant their humble claims for assistance?

I repeat, if the privation, skill, and danger, of these whaling voyages could be known; if the extent of these enterprises, in all their bearings, at home and abroad, could be fairly understood, they would excite the admiration of the Government and of the people. In their very commencement they excited the wonder of the philosophers of Europe. They have since been watched by those Powers with astonishment and jealousy. Our own Government seems the last properly and duly to appreciate their true value. The real cause, I have supposed, was, that the business had been confined to a small territory. It is now extending itself, and will be more generally understood. It has been viewed as a local interest, and therefore not entitled to national aid, except to a very limited extent. I trust the subject will be better understood; and, if so, I shall feel quite sure all the relief and protection asked, and more, will be afforded.

Mr. Chairman, we have appropriated, and shall appropriate, the present year, for the navy, and for naval purposes, a large amount—far more than has ever been appropriated in any preceding year. I trust, in so doing, we are consulting the true and lasting interest of our country. Upon this subject, I beg to refer to a late report of the Secretary of War, and approved by the President. It presents a statesmanlike view of our country—its situation in relation to other nations, and its necessary defence. In most of the opinions I entirely concur, and especially in regard to a navy. I beg to read a short extract from the report:

"But it is upon our maritime frontier that we are most exposed. Our coast for three thousand miles is washed by the ocean, which separates us from those nations who have made the highest advances in all the arts, and particularly in those which minister to the operations of war, and with whom, from our intercourse and political relations, we are most liable to be drawn into collision. If this great medium of communication, the element at the same time of separation and of union, interposes peculiar obstacles to the progress of hostile demonstrations, it also offers advantages which are not less obvious, and which, to be successfully resisted, require corresponding arrangements and exertions. These advantages depend on the economy and facility of transportation, on the celerity of movement, and on the power of an enemy to threaten the whole shore spread out before him, and to select his point of attack at pleasure. A powerful hostile fleet upon the coast of the United States presents some of the features of a war where a heavy mass is brought to act against detachments which may be cut up in detail, although their combined force would exceed the assailing foe. Our points of exposure are so numerous and distant that it would be impracticable to keep, at each of them, a force competent to resist the attack of an enemy, prepared by his naval ascendency, and his other arrangements, to make a sudden and vigorous inroad upon our shores. It becomes us, therefore, to inquire how the consequences of this state of things are to be best met and averted.

"The first and most obvious, and in every point of view the most proper method of defence, is an augmentation of our naval means to an extent proportioned to the resources and the necessities of the nation. I do not mean the actual construction and equipment of vessels only; the number of those in service must depend on the state of the country at a given period; but I mean the

collection of all such materials as may be preserved without injury, and a due encouragement of those branches of interest essential to the growth of a navy, and which may be properly nurtured by the Government; so that, on the approach of danger, a fleet may be put to sea, without delay, sufficiently powerful to meet any force which will probably be sent to our coast.

"Our great battle upon the ocean is yet to be fought, and we shall gain nothing by shutting our eyes to the nature of the struggle, or to the exertions we shall find it necessary to make."

Sir, I fully concur in the truth and appropriateness of the above sentiments, and the fitness of expressing them at the present time. I have long entertained the same opinions in substance, and often expressed them in public and in private.

We are emphatically told that our great battle upon the ocean is yet to be fought. I hope we may never be called to the awful contest, but the same passions and lusts from whence come wars and fightings, still hold a place in the human breast, and we can have no security against war. In the awful event of a tremendous conflict, this country must be defended by "wooden walls." It is the duty of Government in time of peace to prepare, to a certain extent, for war, for defence, and to make preparations more especially for such objects as require time. War is not ordinarily declared without some calculations as to the power of the assailants, as well as the means and ability of their enemy to sustain and defend themselves against aggression. An adequate preparation for defence may, therefore, and often does, prevent the occurrence of war. Such defence, resulting in the preservation of peace, of all others, would be most desirable to me. The burden and expense of a preparation and defence which should prevent war would seem light indeed, and be most cheerfully borne by those who delight in peace.

Our physical and moral capacity to build and maintain a navy is unquestionable. The history of our naval enterprises, from the commencement of the revolutionary war, and long before that period, even as far back as the old wars with France, to the present time, has afforded the most conclusive evidence of skill and intrepidity. "The achievements of our navy have stamped its character with the country and the world. The simple recital of its exploits is the highest eulogium which can be pronounced upon it."

Interest and duty present the strongest obligations for sustaining and improving a defence so effective and so essential to our protection. In recounting our achievements upon the ocean, it becomes us, as wise men and legislators, to search deeply and thoroughly into the true causes of our success, that we may not fail in future to sustain the high rank we have assumed.

I would cheerfully accord to our naval commanders all the praise which has been so justly bestowed; still we must view the subject as philosophers, who would trace effects to their true and final causes. I am quite sure we have been very much indebted for past success to a particular class of seamen, more skilful, more intrepid, more every thing efficient and useful, in peace or war, than can be found elsewhere upon the globe. The best officers and the best ships, with all preparation, can afford no assurance of future success but by the aid of these seamen. Our officers of the navy are now liberally paid, and their successful enterprises are sure to receive the most valued reward—the high commendation of their country. But the seamen, who are justly entitled to a large share of applause, are not sufficiently regarded or rewarded. Justice has not been done them. We are deeply in their debt.

From the early settlement of the Pilgrims at Plymouth, we have been a maritime people; commerce and the fisheries succeeded and prospered at an early period in our history. Whatever other interest has desponded or sunk in competition with European nations, our navigation and fisheries have maintained an ascendency. They have maintained a successful competition, under disadvantageous and unequal terms. Our whale fisheries have received but a small share of the favors and protection which England, France, and Holland, have bestowed upon theirs. Men educated in the whale fishery, partners in the voyage, and directly interested in its success; inured to cold, and heat, and danger; stimulated to exert their utmost energies, acquire a knowledge, enterprise, and power, upon the ocean, possessed by no other men.

Success, under ordinary, and, I would say, under unfavorable circumstances, would attend the efforts of a ship well commanded, and manned with such a crew. We cannot dispense with the skill, seamanship, and intrepidity, of our fishermen. Without the aid of seamen educated in the whale fishery and in our other fisheries, I fear neither good ships nor good officers could avail us.

Raw and untutored men may soon be instructed and disciplined in our army, and rendered efficient soldiers. Not so with the naval service. Seamanship and the requisite qualifications for the navy require experience, and the habits, knowledge, skill, and intrepidity, learned alone by long service on board ships and vessels, and best learned by those who are employed in the fisheries. To such men legitimate warfare has no terrors, and victory is no theme of boasting. They speak not of their own triumphs, or fight their battles over again.

A neighbor of mine, by the name of Taylor, during the last war with Great Britain, who had been master of a ship, enlisted in some humble office, for one year, in the navy. His service was on the lakes, under Commodore Perry. In knowledge of navigation and personal bravery he was little inferior to that gallant and distinguished officer. He served faithfully the full term of his enlistment, and rendered, by his skill and courage in manœuvring one of the vessels, the most valuable aid in Perry's memorable victory. His discharge was unjustly withheld, and he left the service without receiving a cent for his wages. On a sick bed, he sent for me to visit him, and stated his services and claim for pay. I asked, with surprise, were you in "Perry's victory?" He answered, he was. Why, I rejoined, has it not been known to your neighbors? Why have you delayed ten years to demand your wages? He replied that he had done no more than his duty; that he rejoiced at the victory; that, being compelled to leave the ship without a discharge, although he had served longer than his enlistment, by the usages of the navy he supposed he was marked *run* on the rolls; that he considered that mark a badge of dishonor, and the thought of meeting it, however unjust and unmerited, had hitherto deterred him; but that now, being sick and in need, he felt compelled to ask for it. His story was true. I obtained his pay, and handed it to him a few days before he died, and assured him, if there had been a foul blot on the rolls of his ship against his name, there was none on his fair fame and character. I need not tell the result. *Ex uno disce omnes.* It is the character of seamen. Sufficient pains has not been taken to learn, duly estimate, and publish, their characters. It is no part of the character of seamen to speak of their own services. By inquiry, I have ascertained that there was not a battle fought during the last war on the ocean, on the lakes, rivers, or seaboard, from Maine to New Orleans, in which the citizens of the district I have the honor to represent did not participate; and in no case did they take part, in which their skill, enterprise, and courage, was not conspicuous. I insist upon it, the value of such men, though justly estimated by officers, and a portion

of the people, is not well understood by the public. I heard a British naval officer remark that American seamen united the activity of the French with the strength of the English, and manœuvred a vessel better and fired four times while a British vessel fired three times. Good officers, with good ships, well prepared, manned with such men, can do any thing and every thing. But take away the men, give them ordinary seamen, and farewell to all just hope of extraordinary success.

These facts are well understood by those nations who contend for power and the mastery upon the ocean. In their encouragement of commerce and the fisheries, and especially the latter, they have ulterior views. They look to their marine. They regard it as the most effective preparation for naval warfare. It has long been a maxim, that the fisheries are a nursery for seamen. It contains truth, but more might be added, equally true: that the fisheries are a nursery for the best and most efficient seamen.

In the event of war, these thousands of men now on board your fishing vessels would immediately return to defend their country. Prepared to render the most efficient service, they would at once man your navy. They are better disciplined and better qualified by their employment than they would be if kept and paid on board your navy; and they are thus qualified without expense to their country. I repeat, their employment necessarily ends when war begins, so that they are sure to be in readiness. They stand as minute-men, always, and volunteers in the defence of their country, seeking posts of trial, skill, and danger. Such men are the bulwark and defence of the nation. Shall they petition us in vain for aid and assistance in a case where it can be so easily afforded, and where at the same time so great general and commercial benefits are promised? Shall we refuse to protect those who protect us? Shall we refuse a small appropriation to save those who regard no sacrifice too great in defence of their country?

There are at the present time a number (it is not known how many) of our citizens, exiles, and slaves to the most wretched barbarians. Wrecked and cast away upon those inhospitable islands, they are at once captives and in bondage, and no courage or enterprise can hold out to them the hope of escape by their own efforts. They must look to the aid of friends far, far from them, nor can they inform those friends of their situation and sufferings. Their condition can be better imagined than described. Their wives and children, and parents and friends, feel and suffer as friends must suffer, and would regard no sacrifice too great, could they afford relief. For them I have often applied to the Secretaries of our Navy, hoping to obtain relief. Aid has not been refused in terms, but promised, when ships could be spared, or when the islands could be visited in some return voyage, without departing too far from the direct course. Even these light promises reach not the ears of the unhappy exiles, for they have no communion with country or friends; but they have excited hope in the bosom of their friends, but it has been hope deferred: it has made the heart sick.

Our commerce and fishery in the Pacific demand protection. The commerce and fisheries of England and France are very differently situated. They receive protection. Our navy (and more ships are wanted in those oceans) should visit those islands, and give the most conclusive evidence of our power, which would make those savages afraid to perpetrate cruelty and murder; and they should, also, by kindness and regard to those savages, teach them the just principles of civilization and religion, and thereby improve their condition and our own.

Our navy has saved us the dishonor of paying tribute to the barbarians of the Mediterranean; let it protect the lives and property of our fellow-men in the Pacific, and rescue unfortunate men from distressing captivity.

Our navy is intended to protect our country, the citizens of the country, and property of the people. Our citizens and property in the Pacific need its support and protection, and have a just claim upon us for it.

All the naval assistance needed may, in my opinion, be afforded in a short time, without inconvenience or much expense, or turning aside from the main object of the expedition. It would be most salutary and useful to discipline, instruct, and improve, the officers of the navy. Nothing could be better calculated to prepare them for the most important service; nothing so bad as leave of absence, waiting orders. It will be found difficult for your young men to endure such temptation and maintain their characters. I fear want of employ will often end in dishonor and ruin. Let us, then, furnish them useful and professional employment, that they may protect and honor themselves and their country.

Mr. Chairman, I feel the force of that part of the report of the committee of the Senate which recognises and admits that, as a nation, we are bound to contribute something to the stock of general knowledge of geography, and the description of those parts of the globe yet unknown to mankind. We have explored no sea, but we have received and used and profited by the information and charts of all other maritime nations. If we are not bound by the laws of nations to render a *quid pro quo*, we are bound by a higher law, the law of eternal justice, having abundant means to pay for benefits thus received. Other nations have more or less explored oceans and marked and published the rocks and shoals of danger, and pointed out harbors of refuge and safety, and for our benefit as well as their own. We hold the information as an invaluable treasure. Oceans and seas are common highways of nations, and their productions are common property. We enjoy our full share of their occupation and benefits; shall we refuse to discharge the obligations we are under to other nations as tenants in common with us? Shall we refuse to prosecute these explorations and surveys, and give to the world charts not heretofore furnished, pointing to dangers to be avoided, harbors to be sought, calculated to save the lives and property of men, and to facilitate commerce and intercourse with all parts of the globe?

In every view which I have been able to take of this subject, I come to one result: the proposed expedition has been too long postponed. The bill before us ought to pass immediately, and the expedition ought to be prosecuted with as little delay as possible, consistent with the other great interests of the country. The oceans, and land adjacent and contiguous, proposed to be explored and surveyed, present a great portion of this globe, land and water, to the enterprises and useful commerce of those who possess the ability to enjoy it. It is calculated, and cannot fail, to greatly extend and enlarge the facilities of commerce and business useful to all. Is there a member here who does not believe we shall have our full share of that commerce? And is there a man, who has examined the bearing and effects of the measure, that does not perceive it is calculated to benefit all parts of the country, and is truly national? I forbear to add more at present, and trust the appropriation will be made, and that the country will experience all the advantages which have been anticipated.

Mr. HAWES again opposed the proposition. He said it went to appropriate no less than $300,000 for an exploring expedition to the South seas, which, he was satisfied, was exceeding the power given to Congress under the constitution. Moreover, it ought not to have been fixed upon a bill for the naval service, in the face of the principle heretofore acted on, that no appropriation should be inserted in any of the bills for the service

of the Government, but such as were authorized by an existing law. Every proposition to amend the other appropriation bills had been rejected on this very ground. This alone was a sufficient argument against it. Nor was he to be governed in his vote by any such consideration as that the Governments of Europe had authorized it. As well might he be called on to give his vote for a standing army of one or two hundred thousand men because the Governments of Europe authorized such establishments. They had their dukes and their marquises, and lords, but that is no reason why we should.

Mr. HAMER explained that he had not called upon any gentleman to vote for this proposition because the Governments of Europe had authorized similar exploring expeditions. He had merely adverted to the fact that such expeditions were not novel, in replication to the argument of the gentleman himself, that this was of a novel character.

Mr. HAWES should, however, in no way, be governed by what the Governments of Europe had done. He did not follow them in their political institutions; nor was he disposed to do so in any thing else of a speculative character. He denied that the benefits contemplated would result from this expedition. With reference to the surveys of Mr. Hassler, they were valuable, because they related to our own coast. As to Mr. Featherstonhaugh's book, there was not a single idea, not a solitary new fact in it; and this was the opinion of men of the West who had examined it. But even if the book was valuable, it offered no reason for the present proposition. Was it recommended by the Secretary of the Navy? It was not. So far from it, he had been given to understand that that gentleman was opposed to it. Mr. H. really could not believe that it would pass the House. If it did, he believed they should next have a proposition for a voyage of discovery to the moon, or of carrying out the plan of the gentleman from Massachusetts, [Mr. ADAMS,] for erecting light-houses in the skies.

Mr. PHILLIPS went into a general examination of the subject. He did not object to granting the power to the President to decide, though the amendment embarrassed him somewhat in coming to a conclusion on the subject. He regretted that gentlemen who opposed this proposed expedition had not made themselves acquainted with the merits and necessities of such an expedition; and he went at length into a statement to show that no correct information was in the possession of mariners or merchants concerning the innumerable islands of the South seas. Reports made by vessels who arrived in the country, of islands and of places where other vessels were left, often were incorrect, and could never be relied upon. Indeed, so defective was our knowledge, and so dangerous the navigation of the South Pacific ocean, from want of information, that it was impossible for merchant ships going there for any other pursuit than that of whaling to obtain insurance; and those who ventured thither for the fisheries or other commercial objects were obliged to sustain the whole risk themselves. He thought that great commercial advantages would be derived from a scientific hydrographic research into the Southern ocean. There were great treasures in the islands of this region, and it was only necessary to have them explored to enable our seamen to take advantage of the benefits of their trade; and the visit of a national ship would cause our nation, and the mariners of our merchant ships, to be respected by many of the natives, who are now suspicious or hostile.

He said a great amount of produce and manufactures was annually shipped to those seas. The produce of the West was used in great quantities to fit out the whale and other ships; and there was hardly a cotton factory in the country which had not sent out their cotton goods, which were now bought and used for clothing by the savage inhabitants of those islands, who return for them valuable furs and other productions. He alluded to the trade in Sandal wood, shell, and other articles, which are carried from the Sandwich, Society, and Fejee islands to China, and there exchanged for articles which contribute to swell the amount of the revenue of the country, and to increase the comforts of our people. The gentleman from South Carolina, who spoke of the valuable productions of his own State, a few days since, might learn, if he would consult the statistical papers, that another State, not accustomed to boast of her wealth or her achievements, annually reaped a larger amount of wealth from the ocean, by her fisheries and her commerce, than was produced by the State of South Carolina upon her whole soil.

Mr. PHILLIPS then stated as a fact, that many American seamen, who had been wrecked or accidentally left, were now living among those islands, held as prisoners by the natives, who cannot find opportunities to get away, or who are denied the privilege of leaving the island if an opportunity should occur. He thought it worth the expense of the expedition to rescue their fellow-citizens from bondage, and to restore them to their homes and their friends. He also urged the advantage of scientific and practical researches into unknown regions of the earth. He was not disposed to discourage the efforts of our citizens to make advances in knowledge and science; and when a gentleman came forward with a long-cherished plan, founded in reason, and calculated to benefit the country and to enlighten the world, he was willing to bid him God speed, and to render him all reasonable and proper aid. He said he had often heard remarks derogatory to the character of the mercantile community, and he had allowed them, as he should in future, to pass in silence, for he knew that any one who looked at their enterprises would find them founded in reason and intelligence; and the result of their labor was to be found in every institution, and interwoven with every interest of the country.

Mr. SUTHERLAND took the floor, and suggested that he had some remarks to offer, but, as the hour was late, and he thought the subject had been sufficiently discussed, he supposed the House would prefer to take the question, and if such was their wish he would give way; but if the debate was to be continued, he should claim the floor.

The question was then taken on the amendment, and the proposition to amend the Senate's amendment, by inserting that of the committee, was concurred in, without a division.

The question recurred upon adopting the amendment as amended.

Mr. DICKERSON made a few remarks in opposition to the amendment, and called for the reading of a report made to a previous Congress.

Mr. CAMBRELENG begged the House not to postpone any longer a decision of the question. He said he was not opposed to the expedition, but he was sorry the Senate had proposed it as an amendment to the navy appropriation bill. The Senate's amendment had already postponed the passage of the bill a month, and he hoped the amendment would be either accepted or rejected at once.

On motion of Mr. HAWES, the yeas and nays were ordered on the adoption of the amendment; and the question being taken, it was decided in the affirmative: Yeas 92, nays 68.

ARMY APPROPRIATIONS.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole, for

the purpose of considering the bill making appropriations for the support of the army for the year 1836, returned from the Senate with amendments.

Two amendments, one merely verbal, and the other appropriating $300 for a medal ordered by a former Congress to be presented to Gen. Ripley, were concurred in.

Mr. CAMBRELENG then moved to lay the bill aside, and take up the fortification bill; which being objected to, the motion was withdrawn.

The committee then rose and reported the army bill to the House, with the amendments; which were concurred in,

And the House adjourned.

TUESDAY, MAY 10.

Mr. ADAMS wished to make a statement, and received the consent of the House.

Mr. A. then read the following paragraph from the Globe:

"We are informed that several members of Congress have made inquiries of the President in relation to the fact stated by Mr. Adams in debate, that he had consulted him (then a Major General in the United States army) in regard to the limits stipulated in the treaty of 1819, for the Southwestern frontier of the Union. We are informed that the President, in reply to these inquiries, has said that Mr. Adams must have fallen into some mistake; that he has not the slightest recollection of having been consulted on the subject; that he could not have expressed an opinion in regard to the stipulation, because he had not any exact information at that time, either in regard to the topography of the country, or the nature and extent of the claim set up for it by our Government; and because the only point in the treaty with which his duties as a military man made him acquainted being Florida, he presumes, if consulted at all in relation to the treaty, of which he has no recollection, it must have been in regard to that Territory."

Mr. ADAMS remarked, with reference to the statement, that he had only to say, that of the recollection of the President with regard to antecedent events he knew nothing. He could not answer for the accuracy of the President's recollection of events which had transpired some years ago; but, under this statement of the Globe, he felt called upon to repeat the statement he made on Saturday, and to say that the consultation with him was not as a military commander, though he was at that time serving the public in that capacity.

The treaty was signed on the 22d February, 1819, and it would be within the recollection of many members of the House, that General Jackson was in the city at that time. It was during that season that the questions connected with the Seminole war were under discussion in this and the other House; and General Jackson was in the city during most of the discussion. He was here during the negotiation, and at or near the time of the signing of the treaty. He would now repeat, that he was the last person in Mr. Monroe's administration who assented to the provision respecting the boundary. He did negotiate the treaty, as was his duty, with the Spanish minister, Mr. Onis. It was his (Mr. A's) principle not to concede any thing, territory or any thing else, which the country then or previously had claimed; but it was his duty to act under the directions of Mr. Monroe, his superior, and he obeyed them strictly.

The treaty was concluded partly by conferences with Mr. Onis, and partly by correspondence; and there was no conversation or communication made by him to Mr. Onis, with which the President was not acquainted; and every thing said by Mr. Onis was immediately reported to the President. During the whole negotiation there was no proposition to surrender any claim ever advanced by the United States, made by him, (Mr. A.) It was his duty to negotiate so as to secure the interests and protect the rights of the United States. That was his part, and he was not the man to shrink from it. That was the principle he carried through the whole negotiation, as he had always done in all cases when the interests of the country were involved, and which were committed to his charge.

But he would come to the immediate point. When he treaty was ready to be signed, but had not been signed, by the direction of President Monroe, he (Mr. A.) took the treaty to General Jackson, not as a military commander, but as a highly distinguished citizen, whom the President thought proper to consult. He took it to his lodgings, in the house then kept, he believed, by a man named Strother, and now kept by Fuller. He gave the treaty to General Jackson for his examination, with the request that he would notice particularly the boundary therein established, and give his opinion as to its propriety. He (Mr. A.) would say, further, that General Jackson kept the treaty two or three days; it might be not more than one; he could not tax his memory as to the exact time; but after a day or two, when he (Mr. A.) called for it, General Jackson, after a deliberate examination, returned it, with his approbation of that particular boundary.

PUBLIC LANDS.

A bill from the Senate to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting land to certain States, was read twice.

Mr. WILLIAMS, of Kentucky, moved to commit the bill to a Committee of the Whole on the state of the Union;

Mr. CARR moved that it be committed to the Committee on the Public Lands; and

Mr. GILLET moved to commit the bill to the Committee of Ways and Means.

Mr. WILLIAMS, of North Carolina, hoped the subject would be referred to the Committee of the Whole on the state of the Union. This was a measure in which the old States felt a deep interest, and it was a measure requiring the prompt and speedy action of the House, and therefore should be referred to the Committee of the Whole on the state of the Union. If the subject should be referred to the Committee on the Public Lands, it would have to come back to the Committee of the Whole. There was no sort of necessity to refer the subject to a standing committee, because the subject had occupied the attention not only of Congress, but of the whole nation, and he was desirous that it should be acted upon at the present session.

Mr. CHAMBERS, of Pennsylvania, remarked that he was opposed to any reference or disposition of the bill that would delay or embarrass the action of the House in relation to it, or lead to its rejection. The people of Pennsylvania have their attention now directed to this bill, and they feel a deep interest in the legislation of this House on the subject of the distribution of the proceeds of the public lands.

The Legislature of that State had, at their late session, by an overwhelming majority, adopted resolutions on the subject, recommending to their Representatives on this floor "to use their influence to procure the passage of a law, to distribute the proceeds arising, or which may have arisen, from the sales of the public lands, among the several States, in proportion to the number of members from each State in this House." As one of those Representatives, I am disposed to comply with this request, and cannot consent to dispose of this bill by any reference that may defeat the object of its friends in obtaining its passage, and wish that it may have such

a reference as will allow its consideration by the House at the earliest time; and, for that purpose, I prefer the reference of it to the Committee of the Whole House on the state of the Union, instead of a reference to any of the standing committees of the House.

What, sir, is to be attained by a reference to the Committee on Public Lands? Is it expected that that committee will collect any facts or information, or exhibit any research, that will be new to the House; or that we will be furnished with any exposition on the subject that has not before been presented to enlighten or guide the legislation of the House? No. There can be no such expectation. This subject has been so repeatedly investigated and discussed, in the form of reports, speeches, and messages, that the public, as well as Congress, are in possession of all the facts and arguments in relation to it, which industry, research, or ingenuity, can furnish. No one who has given any attention to this important subject can expect to be aided or enlightened by a report, at this time, from the Committee on Public Lands. An examination and report from that committee would not obviate discussion here.

But a great objection to the reference to that committee is, that it has already prejudged the question, and presented to the House, in advance, their deliberate opinion, in the form of a report and bill, on the files, all adverse to the provisions and policy of this bill. In that report the majority of that committee express the opinion "that the public lands shall cease, as soon as practicable, to be a source of revenue, except for the payment of those general charges which grew out of the lands, their survey and sale." And with that report the committee submitted a bill, now on the calendar, to reduce the price of the public lands, and providing that, after a certain time, what remained unsold should be ceded to the States within whose limits those lands were.

Can they who consider that the Federal Government holds those lands under a trust, for the common benefit of the people of all the States, consent to send this bill, which has passed the Senate, for the distribution of the proceeds of those lands amongst all the States, to a committee of this House that has not only prejudged the case, but recorded their deliberate opinion on the report and bill which has emanated from that committee, by which the lands are to be ceded eventually to the new States. The question of the distribution of the proceeds of the public lands is one of great interest to the thirteen original States for whose benefit the cessions of those lands were made. And yet, sir, how have the interests of those States been regarded and provided for in the organization of the Committee on Public Lands? Have they a majority of the members of that committee? No; but three out of the nine members of that committee are taken from the thirteen original States; the other six are from the new States. Such is the composition of the committee that have reported the bill providing for a cession of those lands to those new States within whose limits they are.

It is also a circumstance to be considered, whether this measure is to be sent to a committee, a majority of whom represent the claims and interests of the new States, and that the three original States having the largest representation on this floor—a representation greater than one third of the whole House, and entitled to more than one third of the proceeds of those lands, in right of representation or a regard to population, viz: the States of New York, Pennsylvania, and Virginia—have not a single member on a committee having charge of that large branch of the public revenue.

Virginia, which made the cession of a territory from which three States have already been formed, and another now asking admission into the Union, (and there remains of this territory enough to establish one or more States,) has not a single member on that committee to watch over the trust which she delegated in those lands to this Government, "as a common fund for the use and benefit of all the United States, members of the federal alliance."

I am unwilling to suppose that the Committee on Public Lands was organized with reference to the question of the distribution of the proceeds of those lands. I will impute no such suspicion to you, Mr. Speaker. In that organization you have, I believe, followed the practice of your predecessors; and that the committee had been organized with a majority of members from the States having within their limits the public lands, from an opinion that they were to be occupied with questions of a local character in relation to claims, surveys, sales, &c., with which the members of those States were more familiar.

I do not object to the Committee on Public Lands from any want of respect to that committee, which is equally respectable with the other standing committees of the House, having on it members of intelligence, independence, and integrity; but I object to it as being committed to an opinion and policy, formally expressed, adverse to this bill, and as composed of members representing interests and sections of these United States at variance with the claims of the old States. Nor am I able to discover what is to be gained by a reference to the Committee of Ways and Means. The public revenue, as derived from other sources than the public lands, is abundantly ample for the expenditures of the Government; and it is unnecessary to send this bill to that committee, that they may report to us the amount of that revenue and the expenditures. The House is qualified to judge of both from the information furnished by documents before them. The reference to either of these standing committees will obtain neither information nor light to aid the deliberations of this House or its legislation, whilst it will occasion a delay which, at this late stage of the session, may obstruct its passage, and the postponement have the effect of a rejection. To avoid delay and postponement, it should be referred to the Committee of the Whole House on the state of the Union, so that we may have for it the immediate attention and consideration of the House; and, as a friend to the bill, and to promote its passage, I shall vote for a reference to the Committee of the Whole House, and against a reference to either of the standing committees proposed.

Mr. GRENNELL, of Massachusetts, said it was well known that this bill had been regarded by a large portion of the House as the prominent measure of the session. It had engaged the anxious attention of Congress and of the country for years; and the time had now arrived when some action, definite and distinct, should be had upon it. The period of the session, now drawing near its close, admonished them that what is to be done should be done speedily. Delay was defeat to the measure; for delay would prevent all direct action upon it. Mr. G. therefore considered it his duty to vote for that direction to the bill which should insure it an early, distinct, decided consideration and action, before the adjournment of Congress.

Under these convictions, he was opposed to a reference of the bill to any standing committee of the House, where it might be smothered and destroyed, and in favor of referring it to the Committee of the Whole on the state of the Union. Subjects are referred to committees to elicit information, to enlighten the House. Why, he asked, should this bill be sent to the Committee on the Public Lands? No one looked for an array of facts from that committee which were not familiar to the House; and whatever reasoning it might present in a report, (and he had great respect for its members,) the

House was certainly competent, without their aid, to discuss and decide upon the measure.

Besides, (Mr. G. said,) it is true, as stated by the gentleman from Pennsylvania, that committee has passed upon the subject; so I consider it—that committee is already committed, pledged—they had in fact acted upon it. Their bill in reference to the public lands was, in principle and operation, adverse to this distribution bill; inasmuch as it contemplated the reduction of the price of the public domain, and ultimately the relinquishment of large portions of it to the States in which it is situated. Mr. G. said we have, therefore, their will before us on this subject.

The bill should certainly not be sent to a committee decidedly opposed and pledged before the country against its provisions.

Mr. G. asked why the Committee of Ways and Means should have this bill to be buried there? Was any information, any facts bearing upon the subject, expected from such a reference? True, the bill had reference to finance, to the state of the Treasury; but had not the House before it all information respecting the revenue which could possibly be expected? That committee had received their estimates from the Departments. The Secretary of the Treasury had made repeated reports to both Houses respecting the finances, and the committee had made their appropriation bills, and the accruing revenue for the year and existing surplus were well understood. The condition of the Treasury could not be better known to the House than it was at that moment. A reference to the Committee of Ways and Means, therefore, could be productive of no good, but only of delay and defeat to the measure. The bill should not be sent to its enemies.

But, sir, (said Mr. G.,) in the Committee of the Whole the bill may be speedily reached and acted upon, and there it must necessarily go for discussion before its passage.

Mr. G. said he felt the more urgent on this topic because the people of the State he in part represented felt a deep and anxious interest in the measure. The Legislature of Massachusetts had repeatedly expressed its sense of its clear justice and importance. Other States had done the same. The country was alive to it. We had reached a crisis in our affairs which seemed to demand a measure of this character. If gentlemen were willing to meet the question at all, no delay should be allowed. The revenue from the public lands, not required for the wants of the Government—the common property of the nation, and fast accumulating—should be restored to the people in the just and equal measure provided by the bill. He again appealed to the House to place it in the most favorable condition for division, and he hoped and trusted this great and useful measure might be adopted.

Mr. HAMER hoped the motion to refer the bill to the Committee of Ways and Means would prevail. He could not see this matter in the light in which some gentlemen seemed to view it. It was said by some gentlemen that the subject ought not to be delayed. He would ask, why should it not be delayed? Upon what principle did this bill proceed? It proceeded upon the principle that there was a surplus of the public money in the Treasury, and that there would be a surplus for some time to come, above what was wanted to carry on the operations of the Government. Well, in order to ascertain this, ought not the appropriation bills to be acted upon and settled? because until then no one could say whether there would be any surplus at all to distribute. You have bills before the House appropriating many millions of dollars, perhaps enough to cover the whole amount of money in the Treasury. Congress should first act upon those bills, so that it would be seen what the surplus was; because it might be so small that it would not be worth talking about; or, in other words, that it might only be worth talking about for political effect. He would ask, why not send it to the Committee of Ways and Means? because it was directly appertaining to the revenue of the country and the public treasure of the nation. That committee ought to make a report as to the condition of the revenue arising from customs, as well as from the sales of the public lands. It might be, if the measure was to pass, that you would have to modify your tariff laws. He trusted a majority of the House would concur in sending the bill to the Committee of Ways and Means. The gentleman from Pennsylvania [Mr. CHAMBERS] asked if it was necessary that they should have any information from one of the standing committees. Mr. H. said it ought to be referred, for the purpose of collecting such information as to enable them to act understandingly. They ought to wait, to see what disposition would be made of other important bills; then they would be able to act understandingly and promptly; but, before they should act upon it, they should know what amount of money they would be likely to have in the Treasury.

Mr. REYNOLDS, of Illinois, remarked that any branch of the subject of the public lands was important and interesting to the people of the State of Illinois, and particularly to the section of the State which he had the honor to represent in Congress. On this consideration he would detain the House for a few minutes. He considered the reference of the bill from the Senate, having for its object the distribution of the proceeds of the sale of the public lands, ought to be made to the Committee on the Public Lands. He had not long been a member of this House, and had not much attended to the small details of business; but, as far as he observed the progress of business, all subjects were referred to the appropriate committees. This course is founded on sound reason and good sense. The committees become familiar with the subjects on which they act; and, by a long course of examination of subjects of a certain class, the committees become more acquainted with the business before them, and more intelligent and able to decide correctly in the class of cases submitted to them. The Committee on the Judiciary became more acquainted with the laws of the land, and the proper constructions to be given to the laws and the constitution, than any other committee could be. The same reasoning will apply to any and all other committees. The subject before the House is more immediately connected with the subject of the public lands than it is to any other, and, of course, should be referred to the Committee on the Public Lands. It may be that the committee may amalgamate the two propositions—one to graduate the price of the public lands, and the other the distribution of the proceeds of the sale. He said he knew not what would be the course of the committee on that subject, but he would not be surprised if the House would adopt such a course as to unite the two propositions. On this subject, he said, he knew not the opinion of the committee; but they may adopt such course, and it would not be amiss to let them act on the proposition.

Mr. R. said he was anxious that the House would act on every proposition connected with the subject of the public lands during the present session of Congress. He did not want the subject to remain open any longer; he wanted the people to know at once what to depend on. It was said that this subject was held up before Congress and the people for a hobby to ride on. Candidates, it is said, mount it, and on it whip into office. On this consideration, and for the good of the people, he was anxious, very anxious, to bring the subject to a positive close this session. It was on this consideration he voted this day against coming to a certain adjournment of Con-

gress before this and other important measures are acted on. He would rather remain here until October next than to go home without acting on these measures. It was due to the whole people of the Union, and particularly to the people of the new States, to give them a discussion. He solicited it strongly, that every subject relating to the public lands should be acted on with all convenient speed during the present session of Congress.

The gentleman from Pennsylvania [Mr. CHAMBERS] objects to the Committee on the Public Lands, as it is composed of members from the new States, who are not friendly to the proposition to distribute the proceeds of the sales of the public lands. The committees are generally composed of members who are more conversant with the subject-matters that are appropriate to the committees. The Committee on Commerce is composed of members from the Atlantic States. Not one is, as far as he recollects, taken from the west of the mountains, but are taken from that region of country where they are more conversant, and are presumed to know more about the principles of commerce than any other members. It is so with the members composing the Committee on the Public Lands; they are generally taken from the States in which the public domain is situated. The formation of the committee can make no objection to the reference of the bill to that committee. He could not agree with his friend from Ohio, [Mr. HAMER,] that the Committee of Ways and Means was the most appropriate committee. It is true, the proceeds of the sale of the lands might, in a slight degree, appertain to the legitimate business of that committee; but the public lands were the substratum on which all were erected, and were properly referrible to the Committee on the Public Lands. This was a subject of grave import, and on that consideration should be acted on by the committee that did know, and were presumed to know, all the various bearings of all subjects in any wise connected with the public lands. Therefore, he hoped the bill would be referred to the appropriate committee, the Committee on the Public Lands.

Mr. GARLAND said he was decidedly in favor of the motion to refer this bill to the Committee of the Whole House on the state of the Union. It is not many days (said Mr. G.) since we were told by the chairman of the Committee on the Judiciary, on bills involving some of the strongest constitutional principles that could possibly arise, that, at this stage of the session, even the reference of important bills to the Committee of the Whole was as much as to declare the death-warrant of those bills; and still, sir, it is urged now, not only that the denial of such a reference should be had, but that this bill should be sent to committees that are pledged against the principles of the bill so referred to them. What, sir, is the design of a motion to refer a bill to one of the standing committees of this House? It is generally to elicit information on a subject not well understood. Is that the fact in relation to the bill before you? Certainly not; for there has been no question presented to the nation for the last ten years of deeper interest to the people, or that has occupied more of the attention, not only of the people, but of their representatives. Nor is this all. It is a fact known by their report made to this House, and by their bill offered, and now upon your files, that the Committee on Public Lands is pledged against this proposition. All, then, that I ask is, that this bill may be placed in the same position as the one that has been reported by that committee, whose opinion has been already expressed to this House. How can you arrive at such a result, but by taking this bill to a Committee of the Whole on the state of the Union, and making it the special order of the day, with the same bill on this subject already on your files, and then let the question be decided as argument and judgment shall declare that it ought to be decided? I ask you, sir, if it is the intention of this House to meet the question boldly, and for gentlemen to stand or fall by the reason in this case, what argument can be offered why, when you have had a report on this very subject, you should not take this bill, sent to us by a co-ordinate branch of the Legislature, refer it to the same Committee of the Whole that has been charged with the bill reported by the Committee on Public Lands, and leave the two propositions to stand or fall by their comparative merits? I ask you, sir, if the design is to settle this question, whether this is not the course which must present itself to the judgment and consideration of every man?

We are told we should send the bill to the Committee of Ways and Means. And for what purpose? Why, it is a question of finance. I grant it is. I know not whether the honorable gentleman who stands at the head of that committee does or does not speak the sentiments of the majority of that committee on all subjects. If he does, a reference of this question to that committee is to declare that you reject this bill: for, only a few days since, on a proposition to arm your fortifications, he boldly took the ground that there were no funds, and that there would be no funds for distribution among the several States, in any shape whatever. Here, then, you are called on to say that you will commit this bill to a committee, the chairman of which has declared that he is opposed, not only to the principles of that bill, but of every bill the object of which is to distribute any portion of the forty millions now in your Treasury among the people of these States. And is this an argument to wrest a bill from the proper course, where it will be placed side by side, to try its comparative strength with that of the bill now on your table? why this question should be committed to a committee, the chairman of which has declared himself hostile to every feature of this bill?

No man in this hall can be dead to the fact that we have divers projects on hand for the distribution of the public revenue, or, rather, for its exhaustion, other than that for the distribution among the States. I will not speak of the possibility of the passage of all these laws, although alluded to by the gentleman from Ohio, [Mr. HAMER.] It may not be the proper occasion to do so, but I will say that of the many projects here presented, there is not a man in this House prepared to vote in favor of all of them. I will say more. Pass them all—extravagant, wasteful as some are, and unjust as are others, pass them all—push the extravagances of your Government to the last point of profusion; and when you have done all this, when you have accomplished the most that legislation can accomplish, you cannot employ enough of the funds upon any public works that can be projected to use the revenue of your country as fast as it will flow in upon you. No, sir, you cannot, by any system of extravagant, wasteful, expenditure that has been devised, you cannot suck up your income as fast as it will be poured into your coffers; and no man here will risk his reputation by saying that, with all your public works, and with every scheme of expenditure likely to be adopted, there can be a reasonable doubt but that you can appropriate, of that revenue, from twenty to thirty millions, and every department of your Government will go on without the least hinderance.

Why, then, are we called on to consider the possibility of a want of funds? Is it to create in this community a belief that the exigencies of your Government require that your funds should be kept on hand? Sir, it is a hard matter for any Government to surrender the power of money; and there are those in this country who feel that when they shall once have entered on the system of distribution which, since the year 1829, has been promised to our people, from that very moment there

would no longer be millions at command, to be used as the exigencies of the Government or the party may require. When that distribution shall have been once made, it must be continued so long as the state of the Treasury will warrant it, and no man here will dare to rise in his place and refuse it. And should the wants of the country ever require funds beyond its income, the States, with a liberality which has always characterized them, will pour out at the foot of your Government whatever its wants may require.

Send the bill, then, to the Committee of the Whole on the state of the Union; place it along with the bills on your table, and, as I before said, let them stand or fall by their comparative merits.

Mr. LINCOLN addressed the Chair as follows:

Mr. Speaker: The several propositions submitted to the consideration of the House, which have respect to the disposition to be given to the bill from the Senate, for the distribution of the proceeds of the public lands, demand somewhat more than ordinary attention. The subject-matter which they involve is deeply interesting to the people and to the States of this Union. My colleague, who has preceded me, [Mr. GRENNELL,] has very properly adverted to the resolutions of the Legislature of Massachusetts, presented here the present session, instructing her Senators and requesting her Representatives to advocate the principles of the bill upon your table. It needed not, sir, this authority from a source at all times entitled to my highest respect, to secure my humble efforts in support of the object of that bill, inasmuch as a dictate of duty and the most obvious perception of right seem to me to require the measure. In whatever I may now say, I therefore no less fulfil my own sense of personal obligation, than cheerfully obey the voice of those who have thought proper specially to declare the interests of the State in the matter.

The question immediately before the House I understand to be one of reference only, with a view to give direction to the ultimate action of this body upon the merits of the bill. I am fully aware that, upon this preliminary movement, it is not competent to discuss the provisions of the bill itself. But it is not to be unheeded that the decision which shall be had upon the various motions which have been successively submitted may have an important bearing upon the disposition of the principal measure. Various propositions are before the House. One gentleman moves to send the bill to the Committee on Public Lands; another to give it to the Committee of Ways and Means; and a third to commit it to the Committee of the Whole on the state of the Union. Has it been sufficiently regarded that, however the reference shall, in the first instance, be made, it will and must come to the same point at last? This bill must be discussed in Committee of the Whole, if it is to be considered upon its merits at all. Is this not so, Mr. Speaker? The bill proposes an appropriation, and a large appropriation, too—that of the millions of surplus from one of the great sources of national revenue. It no less partakes of the character of an appropriation bill, because it purports to be for the purpose of distribution. The distribution of the revenue, by an act taking it from the Treasury, is in itself an appropriation of it, and the object of the bill upon the table is but to direct that appropriation to the use of the States. Whatever, therefore, might be the report of either of the standing committees to which it is proposed to be sent, the House, by one of its invariable rules, never departed from, must go into Committee of the Whole upon that report, unless, indeed, it shall refuse to consider the bill, in other words, shall reject it without consideration. If I am wrong in this view of the order of business, under the rules and practice of the House, I beg to be corrected by the Chair, or the experience of the oldest members on this floor.

Assuming, then, that a bill which proposes an appropriation of the public money must, from its character, at an earlier or later stage of its progress, come into a Committee of the Whole House, what are the reasons for sending it intermediately to either of the standing committees? The gentleman from Indiana, [Mr. CARR,] who moved its reference to the Committee on Public Lands, assigned no special inducement to give it that destination. It surely does not fall within the appropriate and specified duties of that committee to inquire into the disposition which shall be made of the revenues of the country, from whatever sources derived, whether from the sales of the public lands, rather than imposts and duties upon the commerce of the nation. The condition of the public domain; the proper mode of its management and disposition; its value to the Government and the people, either as a mean of national wealth in its productiveness to the Treasury, or as conducive to the strength and power of the country, in its capacity to sustain an extended, virtuous, and free population, are the subjects legitimately within the province of that committee, and such hitherto have been regarded as the limits of their jurisdiction. As an humble member of the committee, (said Mr. L.) I would not be considered as disclaiming the custody of any matter which the House may commit to its charge. I trust I feel as high respect for the intelligence, industry, and capacity, of my honorable associates, as any gentleman on this floor. I suggest no distrust of the ability and fidelity with which they would apply themselves to any delegated trust; and I trust it will be considered in no wise inconsistent with a sentiment of the truest personal regard towards them, that I now object to any supposed peculiar qualification which they possess for the investigation of the precise matter proposed by the gentleman from Indiana to be referred to their consideration. Does any honorable member of this House look to the Committee on Public Lands for instruction on a question of the distribution of the surplus revenue? What means of information do this committee enjoy, which are not common to every one within the sound of my voice? Wherefore, I again ask, make this reference? What connexion have the public lands, their management, the graduation of the prices of these lands, or the surrender of them to the States in which they lie, or any other proposed immediate or prospective measure in relation to the public domain, with the appropriation of money from the Treasury? The reference in the bill to the lands is but to one of the sources of supply, and for the purpose only of determining the quantum of surplus proper to be set apart for distribution. Can the honorable chairman of the Committee on Public Lands, or either or all of his associates, be better advised than any other of this committee of the House? Sir, the question involved in the bill has nothing to do with the duties of the Committee on Public Lands. It is not within the province of their inquiry, and will most inappropriately, be referred to their cognizance.

The gentleman from New York [Mr. GILLET] seems to admit the correctness of this view of the subject, and, in submitting his motion to refer the bill to the Committee of Ways and Means, urges the consideration that the proposed distribution has relation to the revenue of the country, and should therefore receive the primary examination of those who are especially charged with the duty of inquiring into its necessary appropriations. This position might be tenable if the inquiry were at all essential to the determination of the fact that, after every appropriation required for the ordinary or extraordinary expenditures of the Government, a surplus greater than the bill proposes to distribute would still remain. Sir,

I insist, with the honorable gentleman from New York, before me, [Mr. GRANGER,] who has just resumed his seat, that, on this point, there can be neither doubt nor honest difference of opinion in this House. Let the appropriations be as liberal as those most lavish of the public treasure may dare to vote them; let every bill now on your table be passed, and every proposition which any gentleman has yet seriously made be sustained, still, sir, I pledge myself the close of the session will leave a large surplus undisposed of, and thereafter further greatly to accumulate, except by the intervention of the operation of the bill under consideration, or the application of some other principle of distribution. No one can be hardy enough to deny this. There exists at this very moment a balance of more than thirty millions of dollars on the books of the Treasury; and what intelligent and responsible representative of the people will venture to say that this vast sum, together with the accruing revenue, can be absorbed by the occasions of the country?

The revenue of the current year is estimated by the Department greatly to exceed the expenditures, and the excess, at the end of the year, will be still larger in the Treasury. Can it be necessary, then, to send this bill to the Committee of Ways and Means for a report of facts already known to every member of this House? Have we not the reports of the Secretary, showing the state of the Treasury, before us? Are not the appropriation bills upon our desks? And allowing some millions for accidents and contingencies for repressing Indian hostilities, and the glory of our arms in military expeditions, and, moreover, for the policy of party in the gratification of a new-born zeal for national defences, who does not see that, after all, there is still enough to satisfy the provisions of this bill, and to spare? Mr. Speaker, the country is neither to be deluded nor abused in this matter. The surplus exists, and is daily augmenting. The Government wants it for no legitimate uses. If it is not to be distributed by law, it will be retained for party purposes, to be used in the conflict for the presidency; to be paid to the parasites of power; in one word, to be pledged to the succession!

But is there another and more decisive objection to the adoption of the proposition of the gentleman from New York, to refer this bill to the Committee of Ways and Means. That committee have already prejudged the matter. What chance, think you, Mr. Speaker, would there be of a favorable report (if any report there should be) to the adoption of the principle of the bill from this quarter? Sir, I will not arraign the motives or the judgment of the members of that committee, but I object to them as fair and impartial judges of the expediency or policy of the passage of this bill. Neither do they constitute a fit inquest for the purpose of presenting facts and considerations proper for the information of this House. They have already declared their opinion that there is to be no surplus in the Treasury for distribution; and I think it manifest, from the monstrous projects of expenditure which have been suggested, it is their intention that there shall be nothing upon which the bills may operate. The language of the honorable chairman, [Mr. CAMBRELENG,] who is not only the able and accomplished official organ of the committee, but a leading and most influential member of the administration party on this floor and before the nation, in a speech a few days since seemed to have anticipated the present occasion to the House for a knowledge of his sentiments on this subject. I pray leave to refer to the expression of his opinions in a report of that speech published in the official paper, which has been put into my hands since the commencement of the present debate. "I am not willing (says the honorable chairman) to go with gentlemen for a distribution of any portions of our surplus revenue." "That there is, and probably will continue to be, a surplus which may not be required for a short time to come, cannot be denied; but it is equally certain that we have not only great and indispensable objects to apply it to, but that we are approaching a crisis in our financial affairs for which we ought now to prepare." Again: "I do not believe in the continuance of an overflowing Treasury. I may be deceived, but I do not believe that the revenue, under the compromise act, and the receipt from the public lands, will be permanently sufficient to pay the expenses of the Government."

In a course of elaborate argument, and by various extraordinary assumptions and declarations, the honorable gentleman proceeds to maintain his position that the existing surplus was merely casual and temporary, and that the condition of the country in reference to its finances, and present and future probable occasions, would not justify its distribution; and he concludes that part of his argument with the emphatic, and, I must say, most startling assertion, that, "whatever may be the surplus on the 1st of January next, it will all be required to discharge the actual liabilities of the Treasury, and to provide even for a small portion of indispensable measures of defence; and, as to the year following the next, there is little probability that our receipts from customs and lands will be equal to the expenditures of the Government, without an addition to the tariff." With such sentiments from the mouth of the chairman of the Committee of Ways and Means, is it to him should be committed the fate of the bill for the distribution of the proceeds of the sales of the public lands? What, sir, all the surplus in the Treasury on the 1st of January next required to discharge the actual liabilities of the Treasury, and inadequate even to indispensable measures of defence! And the whole revenue from customs and lands insufficient for the wants of Government, without an addition to the tariff! Are our dangers so great, or our means so small? If the honorable gentleman himself believes this, he must excuse me if I say he is not a fit judge of the propriety of the measure proposed by the bill now under consideration.

But, Mr. Speaker, to show still more conclusively the prejudiced opinions of the chairman of the Committee of Ways and Means upon the question which it is now proposed should be committed to his disposal, I ask the indulgence of the House while I tax their attention to a further extract from his published speech. He took occasion, rather gratuitously, as it seems to me, at that time, to discuss and decide upon the character of this very measure of distributing the proceeds of the public lands, and unequivocally pronounced it both unjust and unconstitutional. Following his argument upon its inexpediency, he proceeds: "Nor am I less astonished to see some of the most rigid constructionists so alarmed at the idea of our surplus revenue as to unite zealously in this assault upon the Treasury. Gentlemen whose constitutional scruples would not allow them to vote a dollar for a light-house, to save the mariners from perishing on our coast amidst the storms of midnight, are now ready to empty the federal Treasury, and distribute it among the States." Again: "It never was contemplated that the proceeds of these [public] lands should, in any manner, be applied to the local expenditures of the States; and had a provision for such a distribution been then insisted on, the new constitution would have been formed as the old confederation was, without the cession of an acre of these lands. Gentlemen attempt to make a distinction between the revenue from customs, from lands ceded by the States, and from those acquired by purchase from France and Spain. Sir, every dollar in your Treasury is secured by the same constitutional guards; the revenues of the confederation, and the lands ceded to it,

were all for the same common and confederate purposes. If there be a distinction, it is in favor of the moneys arising from the proceeds of the lands ceded by the States, guarantied, as they are, by compacts more ancient than the constitution itself, and which, in strict good faith, cannot be cancelled, even by a constitutional amendment." The honorable chairman further denounces the plan of distribution as a scheme of consolidation. "A more fatal measure to the States, or a more certain one to effect consolidation," says he, "could not be devised." Sir, I will not multiply these extracts. The speech of the gentleman must be too well remembered to need such recital. It was, throughout, distinguished for the confident tone of assertion in which the demands of the General Government upon the uses of the revenue were to be maintained, and the distinctness with which he repudiated every scheme for the distribution of a supposed surplus. And now, let me ask the honorable members if, in their judgment, it is proper that this bill, which assumes that a surplus does and will exist in the Treasury, and provides for its distribution to a considerable extent, should be sent to a committee of which that gentleman is the head, and over which he is known to exercise a commanding influence. What else can come of such reference than a repetition of the same opinions; a certain report against the passage of the bill? He who believes there will be no surplus must surely decide against a measure of distribution. Those who hold that the public revenue derived from the sales of the public lands cannot constitutionally be divided to the States, will feel bound to declare against such division. The report of the committee may now be anticipated with as much certainty as it will be known after it is presented. For myself, I would as readily, at this moment, vote against the bill itself, as concur in sending it to such an investigation. Sir, it would be rejected, with or without argument. No new information to the House would result from the reference. The bill would go to the committee to be strangled. The parliamentary rule would be violated. The lamb would, indeed, be committed to the keeping of the wolf!

Mr. Speaker, I am in favor of the motion of the gentleman from Kentucky, [Mr. WILLIAMS,] to give this bill at once to the Committee of the Whole on the state of the Union. I have before urged, as a consideration deserving of regard, that, if it is to be acted upon, it must come to this committee at last. I have endeavored to show that it does not belong to the Committee on Public Lands, nor ought it to go to the Committee of Ways and Means; although, of the two, a preference between these is to be given to the former, inasmuch as I do not admit that that committee, like the latter, has prejudged the matter, and thus disqualified itself from action, by an avowed hostility to the measure. In the Committee of the Whole the subject may, at once, be freely and fully discussed. It is no new topic. It has often, heretofore, been before Congress and the country. The members of this House have all the information which can be elicited from the reports of committees or other public documents; and there has been no lack of argument in debates in former Congresses, to assist their judgment to a right conclusion. The people expect action. It was promised them, on the accession of the present administration, that, whenever the public debt should be paid, the proceeds of the public lands, the common property of the States, solemnly pledged to the benefit of all, should be participated in by all. The States now anxiously wait the redemption of this pledge. They look to this common fund in aid of great objects of public improvement. If it may not constitutionally, in the opinion of those who have it in trust, be applied directly by the General Government to these purposes, let it be given to those to whom it belongs, that, through their more immediate agents, the State Governments, it may administer to the occasions and subserve the ends for which it is designed. Let it be made, in some way, to conduce "to the general welfare."

A reference of the bill to either of the standing committees will but too fatally delay its progress. In the present state of the business before the House, and at this period of the session, such a reference would be equivalent to its rejection. And do gentlemen intend this? If so, let them come out boldly, and before their constituents take the responsibility of such a vote. Let them answer whether, in the eloquent language of the chairman of the Committee of Ways and Means, though differently applied by him, "they are ready to violate the solemn pledge of the Congress of the confederation in 1780, before an acre of these lands was ceded, that they should be disposed of for the common benefit of the United States, to be settled and formed into distinct republican States; and to abrogate the compacts with New York in 1783, and Virginia in 1784, by which these lands were ceded as a common fund, for the use and benefit of the United States, to be faithfully and bonafide disposed of for that purpose, and for no other use and purpose whatsoever?" Whether "they are eager to annul the compacts with Massachusetts, Connecticut, and South Carolina, in 1785, 1786, and 1787, with North Carolina in 1789, and finally with Georgia in 1802?" Mr. Speaker, these are questions of grave import, and in which the State to which I belong, especially, has a deep and enduring interest. It is now, sir, quite time that the people knew what to expect. It is high time that the States which made the cessions of this immense fund of wealth, this inexhaustible resource of national prosperity, should learn whether they are to be permitted to participate in its future benefit. Now that the debt of the nation, to which it was originally devoted, is paid, it is not unreasonable to ask that the ulterior intentions of the Government shall be disclosed on this subject. Is the faith of the nation to be kept inviolate to the parties of the compact? Are those to whom an interest in the national domain has come as an inheritance to be suffered to enjoy it? Or shall it be withheld, until sectional feelings, the cupidity of avarice, and the lust of power, may combine to rob the rightful owners of its possession? Mr. Speaker, I again distinctly repeat that, to my own deliberate conviction, the delay of this bill, by its reference to the Committee on Public Lands, or the Committee of Ways and Means, is, and will be, its virtual rejection, and it should be so understood by the country. My word for it, send it to either of these committees, and there will be no report at the present session, or, if so, at so late a period as to furnish a pretext for not acting upon it.

Admonished as I am, Mr. Speaker, that it is not consistent with the rules of parliamentary proceeding, upon a preliminary question, to enter into a consideration of the merits of the bill, I forbear the discussion. I have already occupied more time than I had intended. I did not participate in the several motions which have been offered this morning, and have spoken without premeditation. Should the proper opportunity hereafter be presented, I shall ask the indulgence of the House to a further expression of my sentiments, and what I believe to be those of my constituents, on the general subject. I conclude by an earnest hope that the bill may be brought directly into the Committee of the Whole on the state of the Union, and become the order of the day at the earliest period which the more pressing assignments of business will permit; and, at all events, that it may be definitely disposed of before the close of the session.

Mr. GILLET obtained the floor, and spoke for a few moments in support of his motion to refer the bill to the Committee of Ways and Means. He contended

that the duties of the Committee on the Public Lands were different from the subject contained in the bill, and read the rule of the House in support of this position. He then read the rule defining the duties of the Committee of Ways and Means, and contended that the duties of that committee made it necessary to refer the subject to that committee.

The CHAIR here announced the arrival of the hour for proceeding to the orders of the day.

Mr. MORRIS moved that the rule be suspended for the purpose of continuing the consideration of the measure then before the House; and, upon that motion, called for the yeas and nays; subsequently, he withdrew the call for the yeas and nays, and the motion to suspend was lost.

WESTERN FRONTIER.

The House then proceeded to the execution of the special order adopted some days since, and went into Committee of the Whole on the state of the Union (Mr. PARKER in the chair) on the following bill: "A bill to provide for the better protection of the Western frontier," as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to cause to be surveyed and opened a military road, from some point upon the right bank of the Mississippi river, between the mouth of the St. Peters and the mouth of the Des Moines river, upon such route as may appear best calculated to effect the purposes of this act, to Red river.

SEC. 2. *And be it further enacted*, That the said road shall pass west of the State of Missouri and of the Territory of Arkansas, and shall be so constructed as to enable the troops to move along the same with proper facility; and the following mode of construction shall be adopted, subject to such alterations and additions as the President may, from time to time, direct to be made: The timber shall be cut down to a reasonable width, and the wet and marshy places shall be causewayed or otherwise rendered passable; cheap bridges shall be erected over the smaller streams, not having good fords across them; and, where it may be found necessary, the road may be thrown up in the centre.

SEC. 3. *And be it further enacted*, That military posts shall be constructed at such places along the said road as, in the opinion of the President, may be most proper for the protection of the frontier, and for the preservation of the necessary communication.

SEC. 4. *And be it further enacted*, That the troops of the United States shall be employed in performing the labor herein required, whenever, in the opinion of the President, the same can be done with a just regard to their other duties; and the other labor rendered necessary shall be procured in such manner as the President may direct.

SEC. 5. *And be it further enacted*, That the sum of one hundred thousand dollars shall be, and the same is hereby, appropriated, to be applied towards the accomplishment of the objects specified by this act.

Mr. R. M. JOHNSON made a brief explanation of the object of the bill.

Mr. VINTON doubted the power of the House to make this road through the Indian country.

Mr. MANN, of New York, suggested an amendment, which he thought would meet the gentleman's objection; which was to strike out the words from the second section, "shall pass west of the State of Missouri and of the Territory of Arkansas."

Mr. VINTON replied that that would not altogether remove his objection to the clause.

Mr. McKAY then moved to amend the section by inserting, after the word "Arkansas," "on condition that the consent of the Indian tribes through whose territory it shall pass shall be previously obtained; and if such assent of said tribes cannot be obtained, then the road shall be made east of the western boundaries of said State and Territory."

Mr. VINTON approved of that amendment.

Mr. WILLIAMS, of North Carolina, should vote against the amendment, because he thought it better in no case to construct a road through the Indian country, either with or without the consent of the tribes.

The amendment was further discussed by Messrs. HUNTSMAN, HARRISON of Missouri, EVERETT, ASHLEY, WHITTLESEY of Ohio, and THOMSON of Ohio.

The amendment was then agreed to, and the bill was reported to the House.

UNITED STATES AND FRANCE.

The following message was received from the President of the United States, by the hand of Asbury Dickins, Esq., and read:

WASHINGTON, *May* 10, 1836.

To the Senate and House of Representatives:

Information has been received at the Treasury Department that the four instalments under our treaty with France have been paid to the agent of the United States. In communicating this satisfactory termination of our controversy with France, I feel assured that both Houses of Congress will unite with me in desiring and believing that the anticipations of a restoration of the ancient cordial relations between the two countries, expressed in my former messages on this subject, will be speedily realized. No proper exertion of mine shall be wanting to efface the remembrance of those misconceptions that have temporarily interrupted the accustomed intercourse between them.

ANDREW JACKSON.

On motion of Mr. HOWARD, the message was referred to the Committee on Foreign Relations, and ordered to be printed.

FORTIFICATION BILL.

On motion of CAMBRELENG, the House went into Committee of the Whole on the state of the Union upon the bill making appropriations for the fortifications of the United States for the year 1836, (Mr. MANN, of New York, in the chair.)

The question being on the motion of Mr. CAMBRELENG to amend the bill by inserting an item appropriating $1,224,000 for arming the fortifications—

Mr. McCOMAS rose and said: Mr. Chairman, it is not my purpose, upon this occasion, to make a speech; that is, if I understand the true definition of a congressional speech. He said he understood that nothing could be regarded as a speech in this House unless it takes the orator at least three days to deliver it. He said, if he was correct in that view of the subject, he could assure the House that it was not his intention to make a speech; that what few remarks he had to make upon the subject under consideration he hoped to be able to close upon this day. He said it was not his purpose to enter into a critical examination of the course pursued by the present administration; that gentlemen upon this floor had indulged in a wide range of debate upon all the topics connected with the present administration; that he approved of many of the measures of the administration; that, in his judgment, they would have a happy effect on the prosperity of the country. But he said there were others that he disapproved of; that they could not fail, in his judgment, to have a bad effect upon the happiness of our people. He said he would speak

freely of such measures of this administration as he approved of, and that he would speak with equal freedom in relation to the measures that he disapproved of. This he said he could do without being suspected of being actuated by party spirit, or of indulging in political hatred for the President, when it would be recollected by the House that he was one of the early and zealous supporters of the President, and that he had voted for him three times to fill the presidential chair, and never, till the removal of the deposites, did he materially differ with him in point of national policy. And, in doing so, he said he knew that he was incurring a fearful responsibility in coming in contact with the almost resistless popularity of the President—a popularity that had withered the hopes of thousands; yet a conscientious discharge of his duty forbade him to take any other course; and, whatever might be said by others, he should always regard it as one of the proudest acts of his life, that since he had the honor of a seat upon this floor, he had always sustained the administration when his conscience told him it was right; but he had, with all the boldness of an independent statesman, charged with the legislative functions of a free people, voted against every measure he deemed wrong. Mr. McComas said, while he differed with the President on that act of national policy, he never did for a single moment doubt the patriotic motives of the President. He believed him to be a patriot, and at all times listened to the unmeasured abuse of his motives with more pain than pleasure. He never could see any analogy between the characters of Julius Cæsar, Cromwell, Bonaparte, Richard the Third, and that of Andrew Jackson; they, in his opinion, were oftener the offspring of political rancor than the just deductions from his (the President's) acts.

Mr. McC. said it was not his purpose to enter into a critical examination of the life, the character, and pretensions, of any individual for the next presidency of the United States. He said it had nothing to do with the subject now under consideration. The subject of the distribution of the surplus revenue is of paramount consideration to that of the miserable scramble for office. He said that it was a momentous subject; one, in his judgment, the right settlement of which involved, in some measure, the purity of our institutions and the freedom of the people. He said an offended Deity could not inflict upon the simplicity of our republican institutions a greater curse than an overflowing Treasury. Money is said, from high authority, to be the root of all evil. Mr. McC. was free to say that neither of the candidates now in the field was his choice, and so he informed his constituents at the time of his election; that he promised his constituents to do nothing that would have a tendency to take the election from the people, in order to bring the election into the House of Representatives; but, if the election should devolve on the House of Representatives, he would represent the wish of the majority of his district. Yet, as an individual, he reserved to himself the right of voting for the man he thought best qualified to represent the people. But at this time it was not known what would be the great line of division between the parties. He would therefore avail himself of all the time allotted to him to make his selection, as he understood that the statute of limitations would run against the opinions of a politician in three months. He could not be blamed at this time for being non-committal. He said some gentlemen on this floor seemed to think every speech made in favor of a distribution of the proceeds of the public lands is intended to injure the election of Mr. Van Buren. For his own part, he hoped he had a more holy object in view. He had no political rancor in his heart against the Vice President, and this his friends will perceive, when they recollect that he was one of the legislative caucus in Virginia that sustained his nomination for Vice President. That he then thought his enemies said more about him than was true, and he thinks they do now. He said he mentioned this, lest it might be said of him, as of some others, that he was speaking to operate on the presidential election, and thereby prejudice his favorite scheme for dividing the proceeds of the public lands among the States. But Mr. McC. said he should feel himself criminal were he to remain non-committal upon the all-absorbing question of the surplus revenue. He said our country was peculiarly situated at this time; other nations have great difficulty to raise money sufficient to carry on the fiscal operations of their Governments, but the difficulty with us is, how shall we dispose of our surplus over and above what we want for the necessary expenses of the Government?

He said at the commencement of the session we were in expectation of a French war, which threatened to swallow up the entire surplus fund; and he could but think that the dove crossed the Atlantic a little too soon, with the olive-branch, for the views of some gentlemen on that floor. It seemed to close up some of the deepest and broadest avenues that lead to the public Treasury. He said, while listening to the speeches of the orators on that floor, he almost imagined that he saw the bosom of the ocean whitened with the sails of French vessels of war, pouring a destructive fire upon our defenceless cities and towns on the seaboard; a hostile army already landed, and carrying death and desolation through the land. But he said he was happy to announce to the American people that he was mistaken; that all our towns and cities on the seaboard were safe; that peace reigns through all our borders; that the tremendous array of artillery hovering, in imagination, around our borders, does not intend to disgorge its blazing magazines upon our defenceless seacoast, and destroy our wives and children. He said it was not a war for blood, but it was a war for money—less glorious than any war waged among civilized man. It was a war upon the people's pockets: this is what he wished the people to understand. Mr. McComas said that various modes for the distribution of the surplus revenue had been proposed to the nation: first in order, it has been proposed to apply the whole sum to the national defence, upon the navy, the army, and fortifications, and the armament of the same; secondly, it had been proposed to distribute the proceeds of the public lands to the several States, agreeably to federal population; and, thirdly, it had been proposed to graduate the price of public land, and ultimately surrender the public domain to the new States; and, in the fourth place, it has been proposed to vest it in railroad stock for the transportation of the United States mail. He said he would examine the merits of the several propositions. He was willing to make liberal appropriations for the defence of the country; and he thought it a propitious time. We have the money, and it could not be more properly appropriated than in a necessary defence of the country. He thought the maxim a sound one, that in time of peace was the time to prepare for war. But he thought it would not be difficult for him to show that one half of the surplus revenue that would accrue in the Treasury between this and the expiration of the compromise bill could not be applied to the defence of the country without endangering that which gentlemen seem so anxious to secure, that is, the liberty of this people. Sir, it would build up a standing army, and with it a moneyed aristocracy, on the seaboard, fatal to democracy and fatal to liberty. He said he would now examine that scheme that proposes to vest some hundred millions of the surplus revenue in railroad stock. He said if it had not come to the country under the high and imposing sanction of a high-

minded, and, he would add, talented Senator of the United States, he should have supposed its author intended it for a burlesque on the doctrines of internal improvement by this Government; but he said he was not authorized to view the subject in that light; he was compelled to treat it as the work of a statesman—as a plan for the distribution of our surplus revenue. But, without intending any reflection upon the rapid conception of the mind that brought the scheme into being, he thought it was a sufficient argument to overthrow that measure, merely to state it to the people; for it was one of those astounding propositions that carried upon its face its own reprobation.

He said he would now examine the scheme of graduating the price of the public land, and ultimately ceding the public domain to the new States. This, he said, could not be done without a violation of the deeds of cession between the old States and the Federal Government. He said he would ask the indulgence of the committee while he would read one clause in the deed of cession made by Virginia to this Government:

"That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."

Mr. McC. said it would be seen by this deed of cession that a great national trust has been created by the several States as principals, and accepted by this Government as the agent of the parties. He said it was evident that the States are the parties to this compact, and that this Government is the joint agent of the contracting parties, to carry into effect the objects of the trust. That the agent, in executing the trust, must be governed by the stipulations of the deed creating the trust. How, then, can Congress pass a law to give these lands to the new States, without a fair compensation to the old States? It would be a manifest violation of the vested rights of the old States, and in open violation of the constitution of the United States, to cede these lands to the new States, without making a fair compensation to the old States for their interest. What (he said) would you think of that executor who had the estate of the testator committed to his care, by his last will and testament, with directions to settle all claims due and justly chargeable against the estate, and the balance to divide out among his children equally, if he were to give the whole estate to one child? All would admit that he had violated the sacred trust committed to his charge, and that a court of equity would restore the heirs to their lawful inheritance. And where was the difference in the two cases? He could perceive none. He said he would submit a few questions to honorable gentlemen on this floor representing the new States.

If Congress does possess the power to cede those lands to the new States, do they not possess the power to retrocede them to the old States? He said it must be so; for it would be a bad rule that would not work both ways. What would honorable gentlemen representing new States say to a proposition of this kind? We should be told that it was a violation of the compact; that it was part of the consideration that induced them to go and settle the new States; and before the old States could avail themselves of such a law, they would have to take possession of their lands by passing over the dead bodies of the people of the new States; and he was sure that there would be as much propriety, if not more, to pass an act of retrocession returning them to the original proprietors, after the terms of the original compact had been complied with, as to give them all to the new States, in violation of positive stipulation in the deed of cession made by Virginia, that the residuary mass of land unsold after the objects of the trust had been complied with should be considered a "common fund, for the use and benefit of such of the United States as have become members of the confederation or federal alliance of said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." Mr. McC. said he could not tell what the English language meant if this clause did not guaranty to each of the old States their equal proportion with the new States of all the surplus lands that remained undisposed of after the objects of the trust had been complied with, agreeably to their usual respective proportions in the general charge for the expense of Government. Why say it should be a common fund for the States, Virginia inclusive? Why say that the surplus fund should be *bona fide* disposed of for that purpose and for no other?

He said he did not believe that any unprejudiced man in the world could say that Virginia was not entitled to her share. Mr. McCOMAS said he had made these remarks in reference to that class of our public lands that are within the limits of the old United States. He should now say something in reference to that class of public lands that we have acquired by treaty: he meant that tract of country west of the Mississippi to the Pacific ocean, including the island of New Orleans, and stretching east of the Mississippi to the Perdido, acquired by treaty in 1803, which cost the Government $15,000,000, and also the Floridas, that were acquired in 1819, at the rate of $5,000,000, amounting in the whole to $20,000,000. He said that it had been contended by some that, as this class of lands was acquired by purchase, and was not included in the compact between the States and this Government, Congress has no power to distribute the proceeds of them among the people; that Congress had no power to collect money but for revenue purposes. This (he said) was admitted, when the money was collected under the powers contained in the specific grants conferring power upon Congress to raise money for revenue. But he said he must look upon this subject in a very different light. This money has not been raised under any of the grants conferring the power on Congress for raising a revenue. He said this was a very plain question. If Congress had the constitutional right to acquire the fee simple in these lands, they have the right to dispose of the rents and profits; if they have the right to purchase, they have the right to sell; if they have the right to sell, they have the right to apply the proceeds of the sale to what object they please. This must be true, unless that wholesome maxim in logic be changed, that the major includes the minor. He said that it was now too late to question the power of Congress to acquire this territory; it had been acquired, and it had been acquiesced in by the whole people of the United States; and it was not necessary for his purpose to prove that Congress had the constitutional power to acquire these lands originally. It was sufficient to say that Congress had the right now, in fee simple; and, having the fee simple, they have an unlimited control over the whole subject. He said, this fund not being raised for revenue purposes, Congress was not restricted in its appropriation to revenue purposes alone; but it comes strictly under the third section in the fourth article of the constitution, where it is said, "the Congress shall have power to dis-

pose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." He said if he was correct in saying that this territory belonged in fee simple to the United States, then he was correct in saying it was to be governed by this article in the federal constitution: "That Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." He said it was plain to his mind that Congress might distribute the proceeds of these lands to the several States, agreeably to federal population, if, in their judgment, they should think it a needful and proper regulation. In relation to their public domain or territory, he said justice required that this twenty millions, drawn from the common Treasury of the people, should be fairly distributed among them.

He said, to graduate and reduce the price of public land would confer no benefit upon the actual settlers; the effect of such a law would be to place the public domain in the hands of the rich speculators, who would not sell it again for five times the sum it cost, which would be a ruinous policy. Honorable gentlemen from these new States mistake their true policy. They should be willing to take their proportion of the sales of public lands, and make an immediate application of the same to the improvement of their States. They themselves will soon become old States, and sustain the same relation to the public domain as the old States do now. Their interests within their own limits are daily diminishing, and their interests in the public domain increasing; and it will not be long before these very States will receive ten dollars for one, from the public domain without the limits of the States, which they will now receive from having all that is contained within their own limits.

He would state another unhappy effect that must arise from graduating and reducing the price of public lands: it would greatly affect the sound currency of the country; it would increase the rage for land speculation, and every dollar that will be received in the land offices will pass from the circulating medium of the country into the vaults of the Government. It is not difficult to tell what the effects of this measure will be, to be always collecting from the people, and never disbursing in any form. It is to operate oppressively upon every interest in the community. The effects of this measure are felt now in New York, Boston, and New Orleans. The points where the greatest portion of the revenue is collected are suffering most; they are, in the midst of apparent prosperity, embarrassed for the want of money; that continual draft upon them for money, and the locking it up in the Treasury, is what produces this state of things.

Mr. McCOMAS said he would examine the effects of this scheme on the old States. It not only takes millions from the Treasury of each State, but it robbed them of their population. He said any system that would invite emigration to the new States, without operating unjustly on the old States, should have his hearty co-operation; but a system that only transferred population from one portion of the United States to another was not a fit and proper subject for legislation. It adds nothing to the aggregate wealth of the nation. Suppose that Alexandria and Georgetown were to remove to the city of Washington, would it add any thing to the numerical strength of the District? Would there be a man, woman, or child more? Would there be a dollar or cent more? Then, why should Congress interfere upon this subject? He said it was very evident that there was not a State in the Union that had a redundant population; the great complaint was the want of a more dense population, so as to enable every branch of industry and of science to develop their full resources.

He said, by a reference to the last census, it would be seen that, under the present system, the emigration to the new States was unparalleled in the annals of history, from the foundation of the first Egyptian colony to the present day. He said that every community was capable to bear and sustain a certain weight of population, and no more; and that too rapid an increase of population was as bad or worse than one too slow. That to reduce the price of the public land in the new States was to reduce the price of land in the old States, and to render the rents and profits less valuable to their owners, which would be a crying injustice, not to be submitted to on the part of the old States.

Mr. McC. said he was in favor of distributing the proceeds of the sales of the public lands among the several States, agreeably to federal population, because the President has decreed that internal improvement by this Government shall cease; and said, whatever may be thought of many of the measures of his administration, he thought that Andrew Jackson would deserve a nation's gratitude for arresting that system. He said it was not his purpose to revive the discussion upon the constitutional power of Congress to make internal improvements. He would place the question upon very different ground: that of the practicability and expediency of the system. He said it was known to the House that a large portion of the people in the United States believed that Congress has no constitutional power to make internal improvements in the States. It is also known to this House that upon this question the country is geographically divided: that north of a certain line the people think that Congress has the right to make internal improvements; that south of the same line the people think that it is unconstitutional to make internal improvements. Now, sir, what is the effect of this belief on the system itself? It is simply this: the section of country that thinks Congress can exercise the power gets all the money; and that section that believes Congress cannot exercise that power gets none. Under this system, the South was made tributary to the North; the operation was to enrich the North, and impoverish the South.

He said that, independent of any constitutional scruples upon this subject, this would be a sufficient reason to abandon the measure by this Government, as it was evident that no system that would accommodate the agricultural and commercial interests of all these United States can be adopted. But he would take a more enlarged view of the subject. He asked the chairman, [Mr. MANN, from New York,] whom he knew to be expert in figures, if he had ever made a calculation of the sum that it would take to make a proper system of internal improvement for the accommodation of the variegated interests of the United States? Mr. McCOMAS said that he had turned his attention lately to the subject, and from the most reasonable estimate he could make, assuming the sum made necessary by the State of Indiana as the basis of his calculation, (and he was certain that his calculation would come far short of the amount necessary,) it would take three hundred millions of dollars. He would now put the question to honorable members on that floor, who thought with him that the executive patronage of the Government was too great, whether they intended to make the executive officers of this Government the disbursing agents of this vast sum of money. Did they intend to add this additional patronage to the army of sixty thousand officeholders already quartered on their Treasury? He said he stood there in his place, and gave it as his deliberate opinion, that to add that additional patronage to the Federal Government, it would be too strong for the liberties of the people. The State Governments would be shorn of their independence; they would be found pros-

trate and powerless at the feet of this great central power. He said that much money in the hands of designing politicians would be like a cancer upon the body politic; it would extend its roots into every condition of society. It would corrupt the people themselves, the source and fountain of all political power.

Mr. McC. said he would go for this mode of distribution, because, in his judgment, it would strengthen the action of the State Governments, already in his opinion too weak for the action of this. He said it would confine the action of this Government to our foreign relations, the legitimate objects of its creation. It would leave our State Governments to manage the local and internal concerns of the country. Our Federal Government might then be regarded as the sheet anchor of American liberty, as an ample shield behind which we might stand secure in the enjoyment of our civil and religious rights. This Government would then be like a kind mother, conferring blessings on all, and oppressing none. Mr. McC. said he had heard a singular objection made to this mode of distribution by gentlemen professing to be State-rights men; that to distribute the surplus revenue among the States would destroy the independence of the States. He thought this a most extraordinary argument to come from State-rights men. He said gentlemen might as well attempt to prove to him that if he were to give all his property to his neighbor, it would impoverish his neighbor, and enrich him, as to make him believe that to strip the Federal Government of twenty millions of dollars annually of its patronage, and give it to the States, would weaken the State Governments and strengthen this Government. The argument was too absurd to merit further notice. He said he would turn these gentlemen over to the arguments of General Jackson on that subject, and he thought they would find it much easier to make objections to his argument than to answer them. These arguments could be found in his annual message of 1830. Mr. McC. said the danger of this distributing system did not consist in weakening the State Governments. If the system was continued for any length of time, it would make the State Governments too strong for the Federal Government. He said he would never agree to make this Government the agent to collect money from the people to distribute among the States; he would not be willing at this time to distribute any moneys among the States that had been collected under the revenue laws, but the funds arising from the public lands, not strictly a revenue fund, could be safely distributed among the States, and would be all that Congress could prudently do at this time. That the excess of revenue, under the compromise bill, might be properly expended in putting the country in a state of defence, and at the end of the compromise bill bring the duties down to a revenue standard, is the true policy of the country. There was another advantage to be derived from this mode of distribution; that it would increase representative responsibility. What was the fact? Gentlemen on that floor might vote away millions of the people's money, and they never would inquire, why have you done so? owing to the fact, he presumed, that the money had been taken from their pockets by indirect taxation. But let this money once assume a tangible shape, and be placed in the State Treasury to lessen their taxes, and, his word for it, the people's representatives will be held to strict accountability for every dollar they vote away; and this, in his humble judgment, was the only mode to arrest this extravagant waste of the public money.

Mr. McC. said he had already said, to graduate the price of our public domain would be in fact a law to place the public domain under the control of the rich speculator, instead of our own Government, which would exclude the poor people from the country. But, he said, he would ask the poor people in and out of the new States to examine their most favorite view of the subject, that is, to give it to the new States. Would that operate to their interest? Could they expect to get the lands from the State Governments upon cheaper terms than they could from this Government? He said, his life on it, that the State Governments would raise the price of the public lands, were they ceded to them. The difference in the two Governments is this: that the State Governments are generally poor and needy, and would be under a continual temptation to raise the price of these lands, to enlarge their revenue resources. It is not so with the Federal Government; her Treasury is already, like the river Nile, overflowing its banks. This Government had, in relation to the public lands, been literally the guardian of the poor people, by keeping down the price of land; but let these lands once pass into the hands of speculators, or into the hands of the States, and the case will be different; they will be turned over from a kind parent into the hands of Egyptian taskmasters. The poor people would soon find that those doctors had mistaken their disease; that their impassioned appeals, addressed to this body in behalf of the poor, were nothing but empty declamation. The system, if adopted, was to build up a rich aristocracy, to rule the democracy of the States. He said he hoped the democracy of these States would examine this subject carefully, and that they would find it their interest to let these lands remain in the hands of the Federal Government; and that they will demand their just share of the sales of the public lands, and apply the same to works of internal improvement, or the education of their children, or to lessening their State tax.

Mr. McC. said he would now take a different view of the subject. That he would vote for this mode of distribution, because it was the only effectual mode of making internal improvements, and that internal improvement was the most effectual way to strengthen the union of the States. Providence had blessed us with a variety of soils and productions, and watered our beloved country with innumerable streams, for the delight and accommodation of its inhabitants. A succession of navigable waters form a kind of chain around its borders, as if to bind it more firmly together, while the most noble rivers in the world run at convenient distances, which, when properly improved, will give facilities for the transportation of their various commodities. He said gentlemen might say what they pleased about the disinterested patriotism of the American people being a sufficient guarantee for the maintenance of this Union. No man on that floor entertained a better opinion of the patriotism of the people than he did; but he thought it was taxing it too heavily to suppose that it could of itself be sufficient to accomplish that end. He said man had read past history to little advantage, to suppose that a country situated like this, combining a variety of climates, of pursuits, as well as of interests, could be held together by such a frail tenure. He said, in his judgment, that unity of interest was the only effectual bond of union in any country. That a community of feeling could alone be produced by a system of canals and railroads, that would bring our scattered population together. He said he would not give two hundred millions of money spent in that way for national defence, for money enough to line our Atlantic seaboard from Maine to New Orleans with fortifications. He said he was like Jefferson and Jackson on that subject; he knew it to be impossible to fortify a seacoast of three thousand miles; that fortifications would be useless without armament, which would create a standing army strong enough to turn upon the country and destroy the liberties of the people. He said he hoped the anxiety

of gentlemen to get rid of the surplus revenue would not bring upon the country a standing army in time of peace. Some gentlemen spoke lightly about the dissolution of this Union, as a thoughtless man does, frequently, about death at a distance. But, for himself, he should regard the voice that announced to him the dissolution of this Union as the funeral knell of departing liberty; and he would not stop to inquire whether the North or the South would suffer most under this fatal catastrophe. It was sufficient for him to know that they were both ruined, and the hopes of civil liberty extinguished throughout the world.

Mr. McC. said he would now answer the objection that there was no money in the Treasury to distribute. By the Secretary's report of the receipts and of sums upon deposite in the banks to the credit of disbursing officers, which had not been expended, there was, on the 1st of February last, $30,678,879 91. This sum cannot be touched or lessened by any of the expenditures of the present year; on the contrary, it must continue to increase. There is a large sum that must be added to this sum. He meant the stock that we held in the late United States Bank, $7,000,000; and if the price of that stock does not depreciate, it will sell for $7,500,000; which makes in the Treasury, on the 1st of last February, $38,175,879 91. This surplus must continue to increase; but that I may not place the sum too high, I will place the customs at the same, in round numbers, $19,000,000; public lands, $15,000,000. He would add $5,000,000 more, for the increase of the sales of the public lands, (and there was more than that sum of an increase upon the sales of 1835 over those of 1834,) which makes $20,000,000; making $39,000,000 for the receipts of 1836. This sum must be added to that in the Treasury on the 1st of February last, and the bank stock, which will fall due during the present year, makes, in round numbers, $77,000,000. He said out of this sum were to be deducted the present expenditures of the Government for the year 1836, which have been estimated by the Secretary at $23,133,640, including all expenditures, ordinary and extraordinary.

Mr. McC. said he thought this was a large sum for an economical Government to spend in one year. This sum, dropping fractions, taken from $77,000,000, leaves a balance in the Treasury on the 1st day of January, 1837, of $54,000,000, which will be a surplus fund. Gentlemen who are opposed to distribution have resorted to a cunning device; they have made an estimate of all the bills that have passed, and will pass, this session, for the ordinary support of Government, and for national defence, and charged it to the surplus revenue that was in the Treasury on the 1st of February last, instead of charging it against the surplus that would fall due on the 1st of January, 1837, and vauntingly tell us we have nothing to distribute. He said he did not believe in the gullibility of the people to that extent. They would detect the fallacy of those calculations. They seem to forget that the surplus in the Treasury on the 1st of February was the receipts of 1835, and, in their eagerness to devour every dollar of the surplus in the Treasury, they overlooked an important fact, that for the year 1836 about forty millions of dollars must be received into the Treasury. He would leave gentlemen to reconcile these difficulties for themselves; and, in conclusion of this part of the subject, he would say that the bill to distribute the sales of the public lands does not propose to distribute any money but what is a surplus; and if there is no surplus, then, of course, there can be no distribution. He said, let the amount be little or much, Virginia was entitled to her share. She might be regarded as the mother of States. View her splendid daughters, Kentucky, Ohio, Indiana, and Illinois, all independent States, rising high in the scale of this confederacy, principally formed out of the territory that Virginia ceded to this Government. He called on the chairman to view the present condition of the State he had the honor in part to represent on this floor; a State which, from her geographical, commercial, and agricultural advantages, might be equal to any in this Union; but (he said) she appeared to be at least fifty years behind the age in improvement. States but of yesterday are outstripping and leaving her far in the shade. He would ask, what prevented Virginia from being the most wealthy State in this Union, as well as the oldest? Nothing but the absence of a well-arranged system of internal improvement. Let her central communication be completed by the James and the Kenawha rivers, and a lateral branch from the Southwest through the valley of Virginia, connecting the waters of the Mississippi with the Atlantic seaboard, at the northern and southern ends of the Chesapeake bay; then Virginia would be enabled to develop her full resources. Her rich mineral productions, her lead, her iron, her gypsum, her coal, hitherto locked up in the mountains, would find their way to market. The fields that lay waste and uncultivated will be newly tenanted. Her population that is daily escaping to the West would be arrested. Her country seats and dilapidated buildings all repaired; her cities, towns, and villages, made to flourish in all the glowing beauties of wealth and prosperity. He said Norfolk would assume the rank of New York, and Richmond that of Albany. He had no hesitancy in saying that nature had done more for Virginia than for New York; that a finer naval depot was not to be found on the whole Atlantic seacoast than at Norfolk; and when the great valley of the Mississippi shall become her back country, nothing but Providence could arrest her onward march to wealth and renown; her central position gives her a decided advantage over New York or New Orleans. The city of New Orleans can never command the vast trade of the West that will then float on the bosom of those majestic rivers. The climate itself has a deleterious effect upon the various commodities in the market, while the Gulf stream may be regarded as the home of tempest. He stated that, though New York might, by way of a continuous canal or railroad, connect itself with the valley of the Mississippi, yet she could not successfully compete with Virginia for that trade; first, because through Virginia would be the most direct route; and, secondly, because the New York canal would be closed with ice at least four months out of twelve. He said Virginia had too long folded her arms. She begins to see that boasting of her great men—her Henry, whose impassioned eloquence set the ball of the Revolution in motion, and her Washington, who conducted our infant nation to honor and glory, and before whose military prowess the British lion quailed—will not fill their bellies and clothe their backs. He said he hoped, so far as Virginia was concerned, that we should be able yet to present an undivided front. This measure would have a happy effect upon the local and sectional differences of the State, and bring them together, and create a feeling of brotherly love, so essential to the happiness of every community.

But he said his colleague [Mr. Garland] said this plan for distribution among the States was nothing but reviving the doctrine of internal improvement by this Government. How his colleague could bring his mind to that conclusion he was at a loss to know. How the people's money, handed over to make internal improvements, upon State authority, could be regarded as improvements made under the directions of this Government, was difficult to comprehend. But, be the matter as it may, he would inform his colleague that General Jackson was the author of the scheme; and he

hoped that his colleague would regard him as good authority, as he had recently defended this administration in a three days' speech. For the benefit of his colleague and the information of the committee, he would quote the exact words of the President on that subject, taken from his annual message communicated December 7th, 1830: "I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds which may at any time remain in the Treasury after the national debt shall have been paid, among the States, in proportion to the number of their Representatives, to be applied by them to objects of internal improvement." By this message of the President, it is very clear that he proposes this plan of dividing the surplus revenue among the States, with a view to withdraw that fund from the control of Congress, and to destroy internal improvements by this Government, that each State might take its just and equal portion of the fund, and make its own improvements. He always regarded this as a master-stroke of policy; and he would tell his colleague that those who resisted this measure would be found the strongest advocates for reviving the doctrines of internal improvement by this Government. He said it was a universal sentiment that the country must be improved; and if this plan of making improvements by the States should fail, it takes no Solomon to see that the scheme will again be revived by this Government. It will then be seen who belong to the State-rights party, and who not; the people then will see who have contributed most to revive the doctrines of internal improvement by this Government, and also the tariff, which is the handmaid of improvements, for without money it is useless to talk about making improvements.

Mr. McC. said he would, for the information of the people of Virginia, give them a statement of their interest in the land bill. It would be seen in the following table:

Table showing the amount to which each State will be entitled.

	Federal population.	Share for each State.	Fifteen per cent. to new States.	Total to new States.
Maine	399,437	689,028		
N. Hampshire	269,326	464,587		
Massachusetts	610,408	1,052,953		
Rhode Island	97,194	167,659		
Connecticut	297,665	513,472		
Vermont	280,657	484,133		
New York	1,918,553	3,309,503		
New Jersey	319,922	551,865		
Pennsylvania	1,348,072	2,325,424		
Delaware	75,432	130,120		
Maryland	405,843	700,079		
Virginia	1,023,503	1,765,554		
N. Carolina	639,747	1,103,563		
S. Carolina	455,025	784,918		
Georgia	429,811	741,423		
Kentucky	621,832	1,072,660		
Tennessee	625,263	1,078,578		
Ohio	935,884	1,614,400	230,844	1,845,244
Louisiana	171,694	296,172	67,561	363,733
Indiana	343,031	591,728	325,485	917,213
Illinois	157,147	271,078	483,760	754,838
Missouri	130,419	224,972	174,354	399,326
Mississippi	110,358	190,367	788,403	978,770
Alabama	262,508	452,826	541,940	994,766

He said it would seem by this table that each congressional district would be entitled to $84,074 annually. Now, he would ask his constituents if they would be willing for him to vote away that much of their money; money that had been drawn from their pockets over and above what was necessary to carry on the expenses of the Government. He said he did not know how he could justify such a vote. Would they be satisfied to be told that it was better for them to have that money spent in making sheds and fortifications on the seaboard, that would, in order to keep them in repair, increase their taxes threefold, and thereby revive the tariff laws again? Would they be easily persuaded that it was more to their interest to have a million of dollars of their money spent in building a marble custom-house in New York, already dazzled with her own effulgence; or would it be more consistent with their democratic notions to build up a standing army in time of peace? He said he could never return to his constituents, and say in his conscience that he had represented their interests in making such a distribution of their money.

Mr. McC. stated that his colleague [Mr. GARLAND] had stated that the constitution had more to fear from the executive branch of this Government than from the popular branch, and he gave as instances internal improvement and the tariff. He said his colleague seemed to have forgotten that both these measures came upon the country under the imposing sanction of executive recommendation; that if these measures had violated the constitution, it was not the work of either branch separately, but the joint work of both; and, to show that my colleague is mistaken in regard to the relative strength of the two branches of the Government, he would state, as soon as General Jackson took a stand against internal improvement, although an overwhelming majority of the popular branch was favorable to it, yet the whole system withered at his touch, and so did the Bank of the United States. On the subject of the tariff, he would say to his colleague, that he could not show any sentiment uttered by General Jackson that went to show that the tariff laws were unconstitutional.

[Here Mr. GARLAND asked leave to explain. He said he did not assert that General Jackson thought the tariff laws unconstitutional, but that he himself believed they were.]

Mr. McCOMAS said so he had understood him; he had not referred to it for that purpose, but for the purpose of showing in how many instances his colleague, who entered into a general defence of the acts of the President, differed from him in great leading measures. He said that, whatever the President may have contributed to put down the tariff, he never opposed it on constitutional grounds; that he did contribute to do so he readily admitted, in his recommendation of a judicious tariff. Much as the term has been criticised, it went far, in his judgment, to give direction to public sentiment, and prepare all classes for a gradual reduction of the tariff. He said, if his colleague or any member of the committee doubted the truth of the position he assumed, he would refer them to the President's proclamation in answer to the South Carolina ordinance. He said that ordinance asserted that the revenue laws were unconstitutional; that Congress had no power to collect taxes but for revenue purposes; and that a great portion of the money collected was not for revenue purposes, but was raised for the protection of domestic manufactures; that the law was palpably unconstitutional; and being unconstitutional, and in derogation of the reserved rights of the States, they declared it null and void, wholly inoperative within the limits of South Carolina. How did General Jackson answer this argument? He said, by the constitution, Congress had the exclusive right to raise money for the support of Government; they were the

constitutional judges of the sum necessary for that purpose; and if they collect more than was necessary, it was an abuse of power, not a usurpation of power; not to be corrected by nullification or secession, but at the polls, by the people themselves, discharging their faithless agents. He also declared that resistance to this law with an armed force was treason.

Mr. McCOMAS said his colleague [Mr. GARLAND] had also entered into a long argument to prove that the President had an unlimited right, at his own will and pleasure, to remove every officer in the executive department, upon the ground that he was responsible for their acts, being the head of the department. Mr. McCOMAS said he had heard the word "responsibility" so frequently used that it fell rather gratingly upon his ear. He would like to know in what sense the President was responsible for the malversation in office of the subordinate officers of his department? Was he responsible by impeachment? If so, he would like to know why he was not impeached for the conduct of William T. Barry and Obadiah B. Brown in the Post Office Department. He said no man in the nation ever thought of impeaching General Jackson for their conduct. If he could not be impeached for the conduct of Mr. Barry, how is he responsible for his acts? He said he had been told, though he was not responsible for his acts by impeachment, yet he was responsible to public opinion.

He said he would like to know what kind of guarantee the responsibility to public opinion was to secure constitutional liberty. He said that he had always understood that constitutional liberty was a conventional right, and could only be secured by being laid deep in the foundations of law. He would like to know of his colleague if he could find any man who was not under responsibility to public opinion. Julius Cæsar, Cromwell, Richard the Third, and Bonaparte, were all under responsibility to public opinion. The Autocrat of all the Russias was under responsibility to public opinion. The past history of these men prove how ineffectual such a responsibility is to secure the equal rights of man. He said every jail and penitentiary was filled with persons responsible to public opinion. Yes, the gallows had groaned under multiplied thousands who were under the same kind of responsibility. Yet, he said, that responsibility had not prevented the jails from being filled with criminals, nor the gallows from bending with rogues and murderers; nor has it prevented tyrants from revolutionizing the best forms of government, and prostrating the last hopes of a free and happy people. He said he did not mean to be understood as intimating that the President of the United States was a tyrant; that he had always regarded him as a patriot. He alluded to it for the purpose of showing the absurdity of the argument, when pushed out to its legi imate consequences. He said the words "responsibility to public opinion" had been presented to his mind in the same light as the word "fanaticism"—a vague uncertainty, that could not be described, having neither top, tail, side, nor bottom. He said the definition of these terms, when used in the sense supposed by some, reminded him of an anecdote in relation to a young egotistical student, just returned from college, and an old Dutchman. The student attempted, by way of sport, to play off his scholastic acquirements by asking the old Dutchman astronomical questions. The old Dutchman said he presumed he was so well educated that he could answer any question that could be propounded to him. The student replied to him that he might ask him any question; that he could answer it. The old Dutchman said, his occupation not being that of an astronomer, but that of a farmer, he would be glad if he would tell him how many yards of moonshine it would take to stake and rider a hundred panel of fence? He said he should like to have the student's opinion upon the words "constitutional liberty secured by responsibility to public opinion."

Mr. McCOMAS said his colleague seemed to speak with an air of triumph that General Jackson had put down the monster that was controlling the whole monetary system of the country, and was prostrating the elective franchise under its unhallowed feet. He said this argument was entirely out of place; that the United States Bank was dead, and it ought to be permitted to sleep undisturbed in its grave. [Here Mr. GARLAND asked leave to explain. He said that he did not commence the argument about the bank; that his remarks were made in answer to other gentlemen who had preceded him in debate, who had referred to the bank.] Mr. McCOMAS said he understood him as making the attack on the bank, but, from the disclaimer, he was bound to believe his colleague; but he said other gentlemen had frequently in the debate referred to the fact of putting down the monster. Mr. McCOMAS said, if the President had put down one monster, he had raised up another of more hideous and frightful form. He has reared on the ruins of the national bank the beast with the seven heads and ten horns, extending its fatal fangs to the vitals of the body politic. He said, as a money power, it was far more dangerous to the liberties of the people than a national bank. The money power of the country had been cut loose entirely from the people and from the agents of the people. He would ask where the public money was. It was placed, he understood, in a set of banks, leagued together, from one portion of the Union to the other, beyond the control of any human being except the executive officers of the Government. That, when the public money was placed in the United States Bank, we could send our committee and examine into the state and condition of the bank. If any of the provisions of the charter had been violated, we could bring the delinquent corporation before the courts of the country, and repeal its charter. As the case now stood, the people and their representatives were sealed up in darkness; they had about as much knowledge of the state and condition of the public money as they had of the geography of the moon. As matters stood before, the people had clothed both the President and Congress with power to watch over the bank, to prevent any injury to the community. How stands the case now? Congress has no power to examine into the state and condition of any of these banks. Nor has the President himself the right to issue his *scire facias* to repeal the charters of those banks, though they may have embezzled every single dollar of the public money, and trampled under foot the elective franchise. He said if his constituents were to ask him, as their agent, what had become of their money, and in what condition the public Treasury was, he would be at a loss to answer them. He said he could say that the Secretary of the Treasury took it from the Bank of the United States, the only place which Congress had any control over; that the Secretary of the Treasury had reported that it was scattered about in different State banks through the Union; but whether these banks were safe or sound, he had no satisfactory evidence; whether the public money had been lent out to speculators to purchase stocks, or whether it was loaned out to favorite partisans to speculate in public lands, or to control elections, he would not say, for he did not know, nor did he charge the fact to be so; nor would he say the public money was unsafe in those banks, as he did not know, as he had never had the satisfactory evidence to judge of that fact before him. He said if he were called to say to his constituents where he thought they could obtain the best information on that subject, he would advise them to consult Mr. Whitney, of this city; that he had understood that he had a more intimate acquaintance with the deposite

banks than any other man in the nation. If they were to ask him who this Mr. Whitney was, he would say that he had no personal acquaintance with him; neither was he known as a Government agent, nor was he responsible to any person for his conduct, that he knew of; yet, from what he understood, he knew more about the state and condition of their money in the local banks than any one man living.

Mr. McCOMAS said he hoped the committee would not think him impertinent, if he was to make some inquiry after the long silken purses, that were to be filled with gold, that were promised to the mechanic and the farmer, that general jubilee, when they should be disenthralled from the withering curse of the paper system; when Nick Biddle and his rags should be seen retreating before a pure metallic currency. He wished to know the truth of these predictions. He said that he had frequently been amused to hear the bitter denunciations pronounced on panic makers and upon false prophets, on the side of the opposition. He said he wished to know what kind of prophets these were; were they the only men left on whom the mantle of Elijah could fall? Were their hearts the only altars upon which prophetic fires could burn, and from whose smoking base holy incense could arise? Were they gods, anointed to speak the truth, when they announced to the American people that the effect of pulling down the national bank would be to supply the country with a gold currency? He said, let the facts speak for themselves.

In the year 1832 there were in existence 330 banks; their circulation was sixty millions. In the year 1835 there were 604 banks; their circulation was two hundred millions.

He asked if this looked much like returning to the golden age, when in the year 1835 there was more than three times as much paper in circulation as there was in 1832. He said his colleague had said that the President had done his duty in relation to the currency; that he was not omnipotent; he could not prevent the States from incorporating as many banks as they pleased. Mr. McCOMAS said he was happy to find that it had been admitted that the President was not omnipotent, and that it was possible, in some cases, he might err. He would, with the leave of the committee, submit a few questions to his colleague. Did not the President know, as well before he commenced his experiment on the currency as he does now, that the States did possess and exercise the right to charter as many local banks as they pleased? Did not the President know, before he commenced this crusade on the currency, that the same or a similar system had failed, after Madison's veto of the old United States Bank, in 1811, when the entire currency of the country became deranged; when the revolution of fortune was almost as frequent as the diurnal motion of the earth; when the tenure by which people held their property became unsettled, and, in a few years, the Government itself lost one million five hundred thousand dollars by broken banks, now footed up in every annual report of the Secretary of the Treasury as unavailable funds? He said he would ask how, then, has the Executive done his duty? He said, if to derange the currency and unsettle the tenure by which we hold our property is the duty of the Executive, then the Executive had done his duty faithfully; for he believed gentlemen of all parties admitted that, on the day he commenced his experiment, our currency was surpassed by no currency in the world. He said that he had almost said that there had been no gold in circulation since the removal of the deposites, but, upon mature reflection, he would have been mistaken; he understood, during the pendency of the Pennsylvania elections, that several pieces were seen in the hands of old Dutchmen, holding them up by the side of the most ragged United States Bank note they could find, saying, "Here is General Jackson and the constitution; here is Nick Biddle and his marble palace." He said it would astonish the committee to know the effect of this humbug upon the innocent and unsuspecting yeomanry of the country. He said it was difficult to convince many, whose location was remote from the seat of intrigue and political management, that gold would not soon be so plenty that they might have gold buttons on their pantaloons. He said this delusion was about to vanish away; that a hitherto confiding people were about to rise in their majesty, and hold their public agents to strict accountability. All parties see the dilemma the currency of the country is likely to get in; they see no way of escape; the gulf opens, and the whole system is in danger of being swallowed up. No wonder the supporters of the scheme shrink with instinctive horror at the thought of this rag system. No wonder they cry out, it is whig Legislatures that are chartering these banks; it is the whigs that must be held accountable for all this mischief. He said this battery was too weak to shield such a system from the retributive justice of an indignant people.

He said his colleague justified reprisals. His colleague was the first man, in or out of the House, that did here fully justify that recommendation. Under all the circumstances of the case, his colleague had at least the merit of going the whole hog on that point.

[Here Mr. GARLAND asked leave to explain. He said he had attempted to show that reprisals were a doctrine sanctioned by the laws of nations, and not regarded as a declaration of war; and that he would inform his colleague that on the French question he had gone the whole hog, snout and tail.]

Mr. McCOMAS said he had understood his colleague to have swallowed the whole hog, snout, tail, and all. He said, as to himself, he perfectly agreed with the course pursued by our Government on that subject, with the single exception of that recommendation, and that he never blamed General Jackson for it after he had seen Mr. Livingston's letter to the Secretary of State on that subject; that he was certain that letter misled the President on the subject. He said it was not his intention to revive that unpleasant controversy; it was not a proper subject now for discussion. But he would say this, that he never would have voted to give the President, or any other mortal man, power to make reprisals on French property. Whenever the honor of his country shall require such a measure, he would march up boldly to the subject, and declare war. His colleague complained that reprisals had been treated as a declaration of war against France. It was no declaration of war unless France make it war. Mr. McCOMAS said he knew that to authorize the President to issue letters of marque and reprisal, and seize upon French property on the high seas, and convert it to our own use, was not a formal declaration of war. He said it was no insult for one man to spit in another's face, unless the man chose to regard it as an insult. But what right had we to hope that France would not take it as an insult, and make war? Is there any thing in the past history of that nation that justifies a different belief? Is there a man in America who does not believe, if reprisals had been made on French property, that at this very moment we would have been involved in all the horrors of war? He said he should always regret that war should have grown out of this transaction. He said he had not forgotten that it was Frenchmen who stood side by side and shoulder to shoulder with us during the most gloomy period of the Revolution—a period that tried the souls of men, when about three millions of men had staked their lives upon liberty or death. He said the history of these times was associated with his earliest recollections; that he could not divest himself of a kindred feeling for that nation.

He said he hoped that he never should have a heart that would cease to beat with gratitude for past favors received at the hands of the French nation, nor a heart so cold as to impugn the motives that caused them to come to our rescue in that critical moment. It was sufficient for him to know that they had poured forth their blood and treasure in defence of liberty, and that they had slept in the same open and tented fields with our fathers. That it was gallant Frenchmen that waved the lily of France in unison with the American eagle at the siege of York, when the genius of emancipation smiled, and the shackles of despotism gave way.

Mr. McComas paused for a moment, and, pointing to Washington and Lafayette, said, Mr. Chairman, what would those patriarchs, who appear in this hall to be watching our daily deliberations, have said, in the moment they were rejoicing over their success in arms, if they could have looked forward one half century, and have seen their own sons in the deadly grasp of war? He said he could imagine them to exclaim, in the language of the poet:

"Hereafter let me live
Unknown, unseen,
Unlamented let me die,
Steal from the world,
And not a stone
Tell where I lie."

He said, like recording angels, they would have shed a tear on the declaration of war, and blotted it from the memory of man. Mr. McComas said he should have used all honorable means to have prevented war; but if his country had been involved in a war with France, or any other nation, he should have stood up for his own country, right or wrong; that he would be found perishing in the last ditch.

He would now pay his respects to the honorable chairman of the Committee of Ways and Means, [Mr. Cambreleng.] He says that he is opposed to a distribution of the surplus fund, because it would ruin the people. If they should ever get a taste of this fund, it could never again be wrung from their hands. Was this the doctrine of the great democratic party in the United States? What, sir, the people who contribute this money not capable of governing themselves! He did not expect to hear this doctrine boldly asserted on this floor, more especially by the honorable member from New York, who may be regarded as the great apostle of our modern democratic party. He never expected to hear it asserted that, if the people should by chance get a taste of their own money, it would corrupt them: that they would cling to it so fast, that it could on no occasion be wrung from their hands. Suppose that the money can never again be wrung from their hands: does it not belong to the people? This was a surplus fund--a fund that the Government had no claim to. The question now presents itself to the country, what disposition ought to be made of this surplus fund, not wanted for the use of the Government? For himself, he was for putting it back into the people's pockets, in the same proportion that it was paid into the Treasury. But the gentleman says, no; they must never taste this fund; if they do, it will corrupt them. He would inquire what was the doctrine of the venerable President on that subject. For the information of the committee, he would read an extract from his message of 1830. He says: "And as sensible of the great truth, that the resources of the nation, beyond those required for the immediate and necessary purposes of Government, can nowhere be so well deposited as in the pockets of the people." It would be seen that the President differed widely from the gentleman from New York. The President seems to think that the people's pockets are an excellent place to deposite this money in; but the gentleman thinks that place to be the last it should go to. If it should get there, it would run them mad, and unfit them for the enjoyment of the modern democratic principles. The President thinks that this money must be taken from the agents, and distributed equally among the principals, who are rightfully entitled to it, for fear that much money, imbodied in the hands of the people's agents, may tempt them to make a corrupt use of it. The member from New York says the disbursing officers of the Government must keep this surplus fund; for if the poor people, from whose pockets it has been unjustly wrung, should ever taste that forbidden fruit, they, like our first parents, would fall from their state of primeval innocence, and disgrace the great democratic party. That it would introduce that odious system of log-rolling in the State Governments. He would ask whether the State Governments are less able to bear the system of log-rolling than this Government? Are the agents of the Federal Government more pure than the agents of the State Governments? Are they not selected from the same common people, subject alike to the same temptation? The agents of the Federal Government are exposed to greater temptation. About fifty millions of surplus revenue, annually to be scrambled for by the representatives of the different interests in the United States, was far more dangerous to the purity of this Government than that sum divided into twenty-six parts, and distributed among the States, agreeably to federal population. By this division, the danger of corruption is diminished as one is to twenty-six. The gentleman seems to have a very tender regard for the purity of the States. This reminded him of an anecdote he once heard of a widow lady and her daughter: the daughter was young and handsome, and a gentleman became much smitten with her, and proposed to address her. She, as all prudent young ladies should, consulted her mother on the subject. The old lady said the young man was of bad moral character, and that her daughter was a young innocent virgin, and that she did not think she ought to contaminate herself by such a corrupt association; and closed her parental advice by saying "daughter, don't take him; let your mother have him." The gentleman seemed very unwilling to see the States married to this corrupt system; but, like the mother, says, "give the money to us; we are proof against corruption!" He would say to the gentleman from New York, if this is democracy in New York, it is not the Jeffersonian doctrine of Virginia. The democrats of Virginia always took a stand against federal encroachments on the rights of the people. They did not believe the pockets of the office-holders the only safe depository of the people's money.

He said he regretted to see a disposition to absorb the whole surplus fund, right or wrong. If it be true that if the people get their own money, it will corrupt them, he would, if the doctrine of some statesmen prevailed, congratulate the people on their escape from corruption. He would underwrite that the people never would get to smell a cent, let alone to taste one. He said it had been proposed, by way of extra appropriations, to spend—

For ordnance, - - - -	$40,000,000
For additional fortifications, - -	30,000,000
For an additional increase of the navy, -	40,000,000
For the increase of the army or military branch,	60,000,000
	$170,000,000

Here, sir, is an increase of the expense of our Government of one hundred and seventy millions. To this sum was to be added the expense of a Florida war, and a proper allowance for bank breaking and a depreciated currency. And then, sir, we are told we shall have no surplus to distribute. He knew that it was in the power

of the Government to waste the people's money and prevent a distribution, but the people in due time would provide for such a contingency. He said he was sorry to find the honorable member from New York opposed to the measure. He knew the weight his name would have before the country, particularly among the prevailing party of the day. The gentleman seems to have forgotten that his own State Legislature unanimously recommended this measure in 1830; that they were travelling *pari passu* with the President at that day. How is it that at the eleventh hour they have forsaken the President on that subject? Mr. McC. said that it was due to the administration to do something. They had been charged with taking the people's money from the custody of the law. They had been charged with depositing it in banks that were unsafe. They had been charged with making a corrupt use of the money, for electioneering purposes. It has been charged that they are afraid to distribute the money, for fear it will break the deposite banks. He said he did not pretend to say these charges were true, but he thought, under the circumstances, the administration was imperiously called on to do something; that the people would not rest satisfied when they had it in their power to refute these charges, and would not.

The gentlemen cannot shield themselves behind that flimsy battery—that we will not distribute the surplus from the sales of public lands, but that we must reduce the tariff, when they know that the President says, in his annual message, that the compromise bill must not be disturbed. What do gentlemen mean when they talk about a reduction of duties, particularly his colleague, [Mr. GARLAND,] who I hope will not disregard the recommendations of the President?

[Here Mr. GARLAND interrupted Mr. McCOMAS, and said that he was mistaken; that the President had made no such recommendation this year—it was last year.]

Mr. McCOMAS said that his colleague was mistaken himself; that the President had made the same recommendation this year.

[The statement of Mr. McCOMAS was confirmed by several members, and he proceeded.]

Mr. McCOMAS said that the measure had been called Mr. Clay's land bill; the attention of this House has been called specially to this subject. Why call it Mr. Clay's land bill? What has Mr. Clay to do with this subject, any more than any other citizen of the United States? Is it intended to make a party question of this matter? Is it intended to settle the principles of the next administration by the strength and popularity of Andrew Jackson and Henry Clay, both about to retire to private life—Mr. Clay a candidate for no office, and the President having filled the measure of his country's glory? He said the name of Henry Clay might induce some men to vote against the measure. He said he had never supported Mr. Clay for any office; yet, as a western Virginian, he was always proud of him as one of her most talented sons. Though he did not agree with him in some of his political measures, yet he always admired the lofty bearing of the bold and generous Kentuckian; though he may be overwhelmed by the wave of party, yet, when these party times shall subside, and the merits of this man shall be calmly reviewed, posterity will enrol his name on the brightest pages of American history. He will be regarded as one of those rare spirits that can rise with the crisis, and soar above party feeling and selfish ambition, and cast oil on the troubled waves of his distracted country. Black lines might be drawn around his name, yet a glorious resurrection awaits him. He will live imperishably in the affections of every votary of civil liberty throughout the world, while there are many whose ephemeral existence will go down with the ebbing tide of politics to the shades of oblivion.

Here Mr. McC. seemed somewhat exhausted, and several proposed that he should move that the committee rise, that he could conclude to-morrow. He said he was already under obligations to the committee for giving him their attention for near three hours; he could not think of trespassing further on their time. Though he intended to present some other views to the committee, yet he found himself too much exhausted; and to accept of an adjournment would be to violate his pledge when he commenced, that he did not intend to make a congressional speech. He said he hoped that all parties would unite in this measure; that in fact it was no party measure, and would not be a party measure, unless the administration made it one. It was idle to attempt to charge the minority with making this a party question. What interest can a minority have to make any question a party question? None, unless they wish to insure their defeat. It is the interest of majorities to make party questions, that the merits of the matter in dispute may be lost sight of. He said he would not believe that this matter would share that fate till he saw it. Mr. McCOMAS then thanked the committee and took his seat.

Mr. TOWNS then obtained the floor, and, on his motion, the committee rose and reported to the House.

NAVY APPROPRIATION BILL.

The SPEAKER having resumed the chair,

On motion of Mr. CAMBRELENG, the House took up the amendment of the Senate to the bill making appropriations for the naval service for the year 1836.

The amendment was as follows: The Senate had inserted an additional clause in the bill, providing for an exploring expedition to the South sea; the House had amended it, substantially, by authorizing the President of the United States to send out the said expedition, "*if, in his opinion, the public interest shall require it.*" The bill being returned to the Senate, they had stricken out the words in italics, thereby making it imperative on the President, or taking from him any discretion on the subject.

Mr. CAMBRELENG moved that the House recede.

Mr. JARVIS hoped the House would not recede. He was for leaving it to the discretion of the President, because the House were not at present in possession of facts sufficient to justify them in directing the expedition to be undertaken immediately.

Mr. VINTON moved that the House adjourn; lost.

Mr. JARVIS resumed his opposition to the motion, then pending, to recede, and also to the object of the whole amendment; for he thought it neither expedient to embark in such an expedition, nor could he anticipate any of those splendid advantages which some gentlemen promised themselves. He was for leaving it, at least, to the discretionary power of the President, who would not shrink from the responsibility.

Mr. ADAMS contended that the word "authorized," in the amendment, left it sufficiently discretionary with the President. He conceived the bill to be the same in effect, whether the words struck out by the Senate were retained or not; the whole would still be left entirely at his discretion.

Mr. JARVIS then withdrew his opposition to the motion.

Mr. MERCER contended that the word "authorized" was, in parliamentary phraseology, as imperative on the President as the word "require." The word "authorized" was always used when the President was required to perform any act; but if it was intended to leave it discretionary with the Executive, the words should be retained.

Mr. GRAVES remarked that he hoped the House would not agree with the amendment of the Senate, because he was convinced that many members had voted

for the bill in consequence of the amendment which was made to it by this House, and which the Senate has stricken out; for many who had not the necessary means to satisfy themselves of the necessity of the measure voted for it, from a confidence they had in the President, and from a belief he would not incur the responsibility of the expenditure without good reasons.

Mr. ADAMS rejoined, that an authority to do a thing did not necessarily imply an imperative obligation to do it. As an illustration of this, he referred to a case that occurred in Pennsylvania. The constitution of that State provided that the Governor "may" remove the judges; and in a controversy on the meaning of that word, between the Governor and the Legislature, the Governor told them that the word "may" sometimes meant "will not."

Mr. GRAVES remarked: In reply to the gentleman from Massachusetts, [Mr. ADAMS,] he had only to say that it seemed to him to devolve very naturally on the enemies of the measure to see as many guards thrown around the expenditure as was practicable. But the gentleman says that the amendment of the Senate does not change in substance the bill as amended by this House; and that the word "they," used in the bill, left the subject as entirely in the discretion of the President as the words "if in his opinion the public service requires." Now, sir, this is truly a strange doctrine, considering the source from which it comes; for that gentleman, since this session, has objected to the phraseology of bills passed by this House, because the words "is hereby required" were inserted after the word "may;" and now that a favorite measure of his has come up, and depends for its passage, perhaps, upon a different ground, the gentleman abandons his former principles, and says, in effect, that his former opinions were all wrong, and that the effect of his former favorite phraseology places all the duties imposed upon the President, by the language usually employed by acts of Congress, entirely in his discretion.

The point was further discussed by Messrs. JUDSON, MANN of New York, MERCER, ADAMS, and HUNTSMAN.

Mr. CAMBRELENG then modified his motion by moving that the House "concur" with the Senate in their amendment.

After a few remarks from Messrs. CAVE JOHNSON, CAMBRELENG, MERCER, FRENCH, and ADAMS,

Mr. McKIM demanded the previous question.

Mr. VINTON moved that the House adjourn; lost: Ayes 54, noes 81.

The previous question was then seconded by the House: Ayes 86, noes not counted.

The main question was then ordered to be put.

The main question was on concurring with the Senate in their proposed amendment; and, thereon,

Mr. HOPKINS asked for the yeas and nays; which were ordered, and the question was decided in the affirmative: Yeas 80, nays 65.

So the amendment of the Senate was concurred in by the House.

The House then adjourned.

WEDNESDAY, MAY 11.

CHOCTAW CLAIMS.

Mr. BELL, from the Committee on Indian Affairs, made a report, accompanied by a bill for the adjustment of certain claims to reservations of land under the 14th article of the treaty of 1830 with the Choctaw Indians; which was read twice and committed.

Mr. CLAIBORNE, of Mississippi, remarked that this report and bill were of great importance to his constituents, and to the Union generally. Property to an immense amount was involved, as well as the reputations of many of his constituents. The report, he had no doubt, coming from so intelligent a committee, and from the pen of its distinguished chairman, would place the whole subject in a clear and satisfactory light; would enable the people to understand all the details and ramifications of this extensive speculation, and go far to quiet the excitement that existed on the subject. He hoped the House would indulge him with the printing of five thousand extra copies of the report and bill. It was a very unusual number, but the extraordinary interest of the subject would justify it.

The motion was received, and the Chair stated that it would, under the rule, lie over one day.

Mr. CLAIBORNE asked the House to consider the motion at that time; which being objected to, he moved to suspend the rule for the purpose stated; which was agreed to.

Mr. PARKER thought the number of extra copies proposed unnecessarily large. He named two thousand.

Mr. HAWES was in favor of the largest number. The subject was one of importance to the whole Southern country.

Mr. VINTON objected to printing so large a number. There were but a few hundred persons interested in these claims, and these were confined to a particular district of the country. This report was of no sort of importance or interest to the citizens of Ohio, New York, Massachusetts, and most of the other States; and he knew no reason why five thousand extra copies should be printed.

Mr. HAWES said a great deal of testimony would have to be taken in the State of Mississippi on the subject of these claims. The report pointed out the character of evidence which was required, and that document should be extensively circulated, for the purpose of eliciting testimony necessary to a correct decision upon the claims referred to.

Mr. GRENNELL said this was a subject which had heretofore produced much excitement and conversation. As it was about being brought to a close, and as the people in all parts of the country were interested in it, he hoped the motion to print the largest number would prevail.

Mr. JOHNSON, of Louisiana, adverted to the deep interest which was felt upon this subject, and advocated the motion of the gentleman from Mississippi.

Mr. CLAIBORNE said he would state, for the information of the House, that the claims under the 14th article of the treaty of Dancing Rabbit creek involved, as he understood, several hundred thousand acres of the public domain, and were therefore a subject of interest to the people of the whole Union. It was not, as gentlemen contended, a subject exclusively of local interest. It was the first time he had seen either the gentleman from Ohio [Mr. VINTON] or the gentleman from New Jersey [Mr. PARKER] manifest an indifference towards the public lands. On most occasions they watched the public lands with duenna eyes; and now, when a report is made upon a question that will either preserve or transfer from the United States property to a large amount, they are found opposing the general circulation which such a document on such a subject should have. Mr. C. said he did not ask the printing of an extra number as a special boon to himself or to his constituents. It was due to the whole country that the subject should be exposed in all its lights and shadows. If frauds had been committed, they were not committed exclusively by Mississippians. His State was swarming with foreign speculators; foreign capital to an immense amount had been sent there for the purchase of lands; and he would venture to say that very few of the permanent citizens of his State had any thing to do with these 14th article

claims. If any infamy, any degradation, should follow the exposure of the transactions of this speculation, there were many gentlemen on this floor whose constituents would have to participate in it. He therefore insisted on his motion for the printing of five thousand additional copies, because he was anxious that every constituent he had, and the country generally, should see the whole subject in its proper light.

The motion to print five thousand extra copies of the bill and report was then agreed to.

REPRESENTATIVES' HALL.

Mr. MERCER asked leave to submit a motion to direct the select committee of twenty-four, to which was referred an inquiry into the proper mode of managing contested elections before the House, to ascertain whether a better hall for the purposes of a deliberative body than the present hall of Representatives can be provided within the Capitol, and have leave to report by bill or otherwise.

Mr. M. obtained leave to make a short statement, which he thought would satisfy the House that the resolution ought to be adopted. He said he had gone to the hall of the Library with an experienced architect, and had examined the rooms and the walls, and he found that a room could be provided there, of the dimensions of ninety feet by fifty. He said the chord of the circle of the present House was ninety feet, and the space occupied by the House was about fifty feet deep. He was satisfied that a hall could be made where the Library now is, as good and convenient for a deliberative assembly as could be devised if a Capitol was about to be constructed anew; and he hoped the resolution would be adopted, that the House might have the report of a committee upon the subject.

Objections being made to acting upon the proposition at this time,

Mr. MERCER moved that the rules be suspended for the purpose of acting upon it; and the question being taken, there appeared: Ayes 97, noes 49—not quite two thirds.

PROCEEDS OF THE PUBLIC LANDS.

The House resumed the consideration of the bill from the Senate to distribute the proceeds of the sales of the public lands among the several States, and to grant lands to certain States.

Three propositions were pending: the first was to refer the bill to the Committee of the Whole on the state of the Union, the second to refer it to the Committee on the Public Lands, and the third that it be referred to the Committee of Ways and Means.

Mr. GILLET, who was entitled to the floor, addressed the House at some length in support of his motion to refer the bill to the Committee of Ways and Means. He could find nothing in the duties of the Committee on Public Lands, as defined in the rule which he had read on yesterday, appertaining to the revenues of the country; but that their peculiar duty was to provide for taking care of the public lands. The gentleman from Pennsylvania [Mr. CHAMBERS] had argued that the Committee on Public Lands were not only committed on this subject, but that they were selected generally from the new States. Now, (Mr. G. said,) he would call the attention of that gentleman and the House to the formation of the Committee of Ways and Means, as the majority of that committee were not selected from the new States; and therefore that committee could not be objectionable on that ground. Six of the members of that committee were from the old States; therefore, that consideration alone ought to recommend it strongly to the consideration of the gentleman from Pennsylvania. Another of the reasons that the gentleman had urged why the bill should not go to the Committee on Public Lands was, that that committee had expressed an opinion on another measure in relation to the public lands. It seemed to Mr. G. that, merely because that committee had expressed an opinion on another measure, it should not be disfranchised. The Committee of Ways and Means, however, were not committed, as they had not brought before the House any report, or given any vote on any proposition which had committed them for or against this measure. It was, too, their peculiar duty to attend to the financial concerns of the nation, and to see what amount of money might be in the Treasury, and to see what probable calls there would be for that money. If gentlemen would take notice, a motion had heretofore been made to refer this subject to the Committee of Ways and Means. They would find that the Kentucky resolutions, which had been discussed week after week upon each petition day, were proposed to be referred to that committee. But the reason why his colleague [Mr. GRANGER] objected to the Committee of Ways and Means was, because the chairman of that committee had said that at the end of the year there would be no such thing as a surplus revenue to dispose of. Now, the fact stated by his colleague as a reason why the bill should not go to that committee was the very reason why Mr. G. thought it should go there, because that committee had charge of all subjects appertaining to the finances of the country; first, as to what amount of money there was in the Treasury; secondly, whether the same amount received last year will be received this year; and, thirdly, to consider the probable calls which would be made for the money in the Treasury. Mr. G. had understood the chairman of that committee to say that if Congress made the appropriations which were called for by bills then reported, there would be no such thing as a surplus revenue to divide. If it was true that there would be calls for all the money in the Treasury, then certainly the bill ought to be referred to the Committee of Ways and Means, so that they might report and tell the House what calls were to be made for the public money, and show whether the assertions of the chairman of that committee were correct. Most certainly that committee was the proper committee to refer this subject to. But his colleague [Mr. GRANGER] had argued as another reason why this subject should not go to that committee, because they ought to act promptly and speedily on the subject, and that they now had as much information as if the committee had reported on the subject. Now, Mr. G. disagreed with his colleague entirely on this subject. Although his colleague might be acquainted with the subject, still that was not the case with every member of the House, and it certainly was not the case with Mr. G. himself. He had not made himself so familiar with the subject as his colleague seemed to have made himself. But there was a strong reason why they should not act speedily; that is, before they dispose of the other business before them involving appropriations; because they could not, until that business was disposed of, say what amount there would be in the Treasury to be divided; and if there would be nothing, they would be placed in the ridiculous situation of having passed a law to distribute the surplus revenue when there was none to distribute.

The decision of this question ought to depend upon the action of the House on a variety of subjects; and he wished to call the attention of his colleague [Mr. GRANGER] to some of those subjects. As that gentleman, he presumed, expected to come into power, he (Mr. G.) wished he would give them all the information on these various subjects he could. He would first inquire of him whether he was prepared to go for the defences of the country; for putting the country in a state of de-

fence to protect us against any nation and every nation; because, if he did, he imagined he would have but a small amount of revenue to distribute. He also wished to know if that gentleman would go for the proposition in relation to the transportation of the mails on railroads. He thought if the gentleman went for that, there would be no such thing as a surplus revenue to distribute.

He then further wished to know whether he would go for building custom-houses, and court-houses for the accommodation of the federal courts, and for arming and disciplining the militia; because, if he would go for these measures, he most certainly would have a very small amount of surplus to distribute. There was also a proposition, which was somewhat agitated at the present time, to reduce the postage on newspapers and pamphlets; and another to make harbors and build light-houses; and if the gentleman went for these measures, the surplus would be greatly diminished. Another proposition before them was to make a canal around the Falls of Niagara, the estimated expense of which was five millions of dollars; and it was very important that these subjects should be settled before they passed a law like the present.

The CHAIR said the merits of the question could not be gone into on a motion to refer the subject to a committee.

Mr. GRANGER hoped his colleague would be permitted to proceed.

Mr. VINTON understood the gentleman as referring to these subjects to show that the bill ought to be referred to the Committee of Ways and Means.

Mr. GILLET resumed. He said they had just passed a bill which contained a proposition to fit out a South sea expedition, and there was no telling but that they might be called upon to send out another expedition before the end of the session. Besides this, there was a disposition to have the sales of public lands confined to actual settlers; and if the sales should be so limited, it would keep a large amount of money from going into the Treasury. Again: there was a proposition before the House to graduate the price of the public lands; and if they passed that bill they would greatly diminish the amount of revenue to be received from lands. Now, if the gentleman was for these propositions, he would find that there would be a less amount of surplus to divide than he imagined. There was, besides this, a proposition to erect an armory of construction in the West, and a national foundry to cast cannon, which would take away and diminish the surplus very considerably. Then there was another proposition of a distinguished individual, whom he imagined his colleague had no doubt would come into power, which was to apply the surplus revenue for the purpose of colonizing the blacks. It would be well to have the views of his colleague on these subjects; and he considered it important that these questions should be settled before this bill was passed. He would give no opinion on any of these subjects, except as to the defence of the country, and arming the militia. He had nothing to say as to the merits of the other propositions, because it would be time enough to express an opinion upon them when they came up to be acted upon; but before the Treasury should be swept of every dollar, these questions should be passed. There was a controversy, too, as to the amount of money in the Treasury. Some had contended that there were sixteen or seventeen millions, while others said there was the sum of fifty or sixty millions in the Treasury. The Committee of Ways and Means, then, ought to leave this subject before the House, and all the light upon it which they could give, before they passed this bill. There was also a proposition to pay off all the French claims prior to 1800; and, besides this, the treaty stipulations would require upwards of seven millions dollars.

There were also a number of private claims, and many of them did not carry the amount of the appropriation made by them on their face. He did not say which of these appropriations he should vote for, except the ones for the national defence and for arming the militia; but he would say, if they passed this bill, distributing the public revenue, they would prejudge the whole of these claims. It seemed to him that they ought to refer this bill to the Committee of Ways and Means, and have a report from that committee in relation to the finances of the nation. The gentleman from Massachusetts [Mr. LINCOLN] has given, among other reasons why this bill should not go to the Committee of Ways and Means, because they would have the influence of a report from that committee against it. Now, it seemed to Mr. G. that if this bill could not stand the test of a report from the Committee of Ways and Means, or the Committee on Public Lands, that it must be a very doubtful measure indeed. He apprehended that the country was not prepared for a measure, if it was to be injured by a report from one of the standing committees of the House. If the measure stood strong in the public estimation, as gentlemen have said it did, a report from a committee would not kill it; and if it could not stand the test of that scrutiny, it ought not to be passed.

It was a new thing in that House, that a proposition to dispose of the whole of the public money should not be allowed to take the usual course in the House. Such a thing never had been heard of in that hall, as to endeavor to carry so important a measure without letting it receive the investigation of a committee. It was the proper place to refer it to one of the standing committees, and, if it should stand the test of that committee, then let it come into the House and be discussed in Committee of the Whole on the state of the Union. He thought gentlemen ought to go with him in sending this bill to the Committee of Ways and Means. If it was not able to stand the test of the scrutiny of that committee, then it ought not to pass.

Mr. BRIGGS obtained the floor, but gave way to

Mr. GRANGER, who claimed the indulgence of the House to be permitted to reply to the several questions that had been addressed to him by his colleague, [Mr. GILLET.]

Leave having been granted,

Mr. GRANGER said: As I am bound to presume, Mr. Speaker, that my honorable colleague has come to the conclusion that it is high time to abandon all non-committal candidates, or that he would never have presumed to catechise me in the manner he has done, I will endeavor, without preparation and without a document before me to which I can refer, to answer, as plainly and simply as I am able, the several questions he has propounded to me, presuming that he and the party with whom he acts are as ready to declare their sentiments as are those who may be opposed to them. I have been some time aware that, ever since those in power found that they had held up to this country a hope of the distribution of the public revenue after the national debt was extinguished; that from the moment they discovered the debt was cancelled, the next plan to be adopted was to devise ways and means by which those funds could be retained in the hands of the party, to the destruction of the very hopes which they had created. It is with a view to carry out this purpose, and I here boldly make the charge, that many of the plans now presented for squandering the public treasure have been introduced—plans which, had they been presented here four years ago, would have hurled our rulers from their places. What has been the doctrine contended for by this administration? A doctrine, as we well know, which has commended itself to a majority of the people of the United States, which people, I trust, are now pre-

pared to hold those who have made these promises to their performance.

It has been said that your public debt was first to be paid off; that a most rigid economy was to be enforced in every department, civil and military, until that debt was extinguished; and that then decent and proper defences for the country should be created; but that the large balance which must remain should be divided amongst the people, from whom it came. I am not prepared to quote accurately from the message of the Executive in 1829; but I do say that message, and the one of the following year, held up to the people of this country the distribution of the public revenue among the several States, as the only just and equal measure by which the surplus funds could be returned to the pockets of the people.

I do say, further, that the executive power of New York, which, from the year 1828, has taken care on all occasions closely to interlink its concerns with what has been conceived to be the glorious administration of the General Government, has, year after year, held up to the hope of the people a belief that the public funds would be divided; and the only question reserved was a question of constitutional right. A resolution, expressive of the wishes of that State, passed the popular branch of its Legislature during the session of 1831, by a unanimous vote, and a strong report in its favor was presented to the Senate by a committee, at the head of which was a prominent leader of the dominant party; which party has lately, in the same hall of legislation, refused even to print resolutions which were offered, asking for a distribution of a portion of the proceeds of the public lands, according to the provisions of this bill.

[Mr. UNDERWOOD here rose, and stated that he had the President's message of 1829, and extracts from Governor Throop's messages in 1830 and 1831, before him, and that he would read the passages referred to by the gentleman from New York.]

Mr. GRANGER resumed. I do not care about the precise words, sir; I pledge myself on their general tenor. No gentleman can gainsay the position I have assumed. I take it in its broadest sense, and hazard myself upon it.

To avoid this promised result, and to disappoint this justly created hope, every plan which ingenuity can devise has been thrown into this hall, and held out to the cupidity of certain interests in this country, to retain, if possible, the public money in the Treasury; and the gentleman from New York, with a view to create an aggregate of expenditure equal to the present amount of those moneys, has propounded to me a set of questions, which I will endeavor to answer.

The gentleman commits himself upon nothing; he asks me to commit myself on every thing. I am willing to do so, and but that he is so anxious to avoid all declaration of responsibility, I should suppose he had abandoned the school of politics to which he has been pledged; but when at last, after thus boldly catechising me, in a manner certainly unprecedented, but of which I do not complain, and after demanding my opinion upon subjects many of which have not been and will not be presented for the action of the House, he reserves the right of withholding his own opinions, and of still fighting under the chameleon banner of his non-committal chieftain. I suppose that he has yet a little inkling of his first love left, which he will not entirely abandon until he is satisfied that the cause is desperate.

The gentleman first asks me whether I am willing to go into expenditures necessary for the proper defence of the country. I suppose he means a defence of the seaboard. If he wishes a direct answer, whether I am for or against the bill reported from the Committee on Military Affairs, an amendment to which is now under discussion, I say I am opposed to it. I take this opportunity to tell him, and I will endeavor to show, that this is a bill hostile to the well-settled policy of this country. If he asks whether I am willing to adopt the amendment of the gentleman who stands at the head of the Committee of Ways and Means, which is based on the assumption that funds enough should be expended to arm all the fortifications now in existence, I say that I am ready to expend such sum as can be judiciously expended during the present year in arming those fortifications. That amendment provides for an appropriation of $700,000. If I am correctly informed, this is more than can be expended during the current year; but, acting as I do under the indulgence of the House, I will not go into the details of this subject now; but, from the examination I have given to it, I should suppose that some amount, from $400,000 to $500,000, might be advantageously applied to arming the fortifications on the seaboard. Whatever that sum may be, it shall cheerfully receive my vote. I will not vote for a dollar beyond it.

What is the history of the fortification system in this country? For he who will not learn wisdom from the past is but a dull scholar. In the year 1816 or 1817, (I do not know the precise period, I speak from memory, and, if in error, hope to be corrected,) a plan of defence was devised, under the surveys and estimates made by a distinguished foreigner, who had arrived in our country a short time previously. That plan was partially entered upon; but it is not material to dwell on this branch of the subject further than to say that, since the late war, we have expended about twelve millions on fortifications.

During the administration of the gentleman in front of me, [Mr. ADAMS,] and during the present administration, there has never been a denial of one dollar to carry on these works; and yet, what did my colleague [Mr. CAMBRELENG] tell us the other day? That, after all the boasting of the efficiency of the present administration, and after the immense expenditure we have incurred, with the single exception of the works at Charleston, South Carolina, there is neither a fort in a condition proper for defence, nor scarcely a gun in the nation fit for use. Yes, sir, an administration which, for three years, has stood in a position where it was holding up to the people of this country the probability of a collision with one of the most powerful nations of the earth, has never asked a dollar to complete these works. And now, in a time of profound peace, when the threatened dangers of war have passed from us, we must commence a large system, to give character to the defences of the country. Sir, it is ridiculous, it is contrary to the spirit and genius of our institutions, thus to make that kind of preparation for war which belongs to the Governments of the continent of Europe. It has been opposed by the statesmen of our country from its earliest history, and the administration of 1798 was driven from power because it advocated a system of defence connected with a standing army, not one third as large as would be necessary to man the new works contemplated by the bill upon your table.

If the doctrine of public expenditure which is advocated at this day had been advanced in the days of the elder Adams, he could hardly have defended himself from popular personal violence; and now, he who dare even question the throwing away of millions, is marked down as opposed to the republicans of the country. What little democracy I have, and it is quite as much as belongs to most of the patent republicans of the present day, is of the Jeffersonian school; and by the principles of that school I am willing to be tried, here and elsewhere. Thus much for the public defences of the country; and I here repeat that, with the exception I have named, I shall record my vote against this mammoth bill.

We next come to railroads for the transportation of the mails; and the gentleman wishes an answer to this proposition, as if he really thought that it was about to be adopted by a majority of this House. In the other branch of this Legislature there is a distinguished gentleman, around whose lip the smile of triumph curls, when he hears leaders of the party advocating this system. I think that when the party are ready to make railroads through every section of this country, and to become stockholders in corporations for the transportation of the mails, they had better limit their censures upon what have been called the latitudinarian doctrines of a prominent statesman from the West; for it is a point to which, I believe, even his imagination never stretched. This is my answer to that question.

I now come to his custom-houses. On this, as on every thing connected with the permanent character of this country, I am amongst the liberals. I consider that the public buildings of a country stand forth to the world, not only in the present day, but to all future time, to mark the character of the nation by whom they were erected. When called upon to make appropriations for custom-houses in New York or Boston, or at any other important points, or for hospitals or other permanent improvements in the West, I shall record my vote in favor of such edifices as will demonstrate to our decendants in future ages, that, even at this day, there existed here a people from whom they might be proud to claim their ancestry; and no man will find me flinching on any question calling for a public expenditure which shall declare to the world that we stand here presenting the proud example of a nation, scarce half a century in age, which has been able to sweep off the debt created by two wars of glory, and has accumulated funds not only to erect these splendid monuments of art, but to provide for the equal benefit of the people of those States whose position forbids their participation in the benefits of such expenditures.

The gentleman asks me whether I am in favor of the necessary appropriations to arm and organize the militia. Strongly committal as I am compelled to be on all subjects, although the gentleman from New York [Mr. Gillet] has reported the bill, he plays non-committal here again. For, sir, while that gentleman has taken good care to call my attention to this point, he has taken equally good care, I believe, not to inform me or the House what sum will be necessary to carry out this project.

[Mr. Gillet said that he had stated that twenty-two millions would be required.]

Mr. Granger. Twenty-two millions! Well, sir, that I should think would guard the republic very respectably. The gentleman asks me whether I am willing to spend that sum in addition to the appropriations for our defence. I will answer him in less than two words—in two letters. No! I am not prepared to do any such thing, nor is any other gentleman in this hall.

My colleague has adverted to the system of internal improvement generally. I have little to say on this question, but will remark that those who know me know well that I have never been amongst those who construed very freely the powers of the General Government in this respect. I may have regretted that those powers were not more clearly given. I may have seen, in common with other gentlemen, that, had such powers been more freely conferred, instances might have arisen where improvements could be carried on more successfully under the General Government than by State authority. So believing and so hoping, I have yielded my assent freely and fully to what has often been most beneficial to the country.

But I think the question of internal improvements by the General Government one on which gentlemen may honestly differ, without a difference of political views generally. On this point, therefore, I have only to request that the gentleman from New York will lend me a single ounce of his non-committalism, if he thinks the party can spare so much, and hope that he will join with me in endeavoring to procure such a distribution of the public money as will put it in the power of the several States to make these improvements in the manner they may deem most beneficial.

But, sir, the gentleman has stated that one reason why the bill before the House should be committed to the Committee of Ways and Means, and not even to the Committee on Public Lands, is because the Committee on Public Lands are favorable to the graduation of the price of these lands. Speaking, as I am, under special indulgence, I do not feel at liberty now to detain the House with any views as to the relative merits of the several propositions that have occupied the attention of our people in relation to the public domain; but here, at this time, a most important question arises. The people of the West are called upon not only to surrender this bill, but to surrender the various other projects which they advocate, and are to be told that these funds should be for their benefit; but because they differ about the manner in which the avails should be distributed, therefore they are all to be thrown away on the defence of the Atlantic frontier. I know not but that gentlemen of the West who contend for the graduation principle, and in which, so far as it relates to actual settlers, I am willing to indulge them, to a certain extent, are content with such reasoning; but I have yet to learn that their constituents are to find, in an expenditure of all the revenues of the nation for the next twenty years upon fortifications, a relief for the evils of which they complain.

I warn that people, and I warn the people of the whole Union, that the plans of this year are not to apply only to the Treasury of this year; that, if you do not stop these grand schemes at the threshold, not only will the forty millions in your Treasury be exhausted, but that you will find a tomb has been erected in which the funds of this nation will be buried for thirty years to come. He who knows any thing of the cost of public works knows well that the first appropriation is generally but an entering wedge to expenditures of quadruple the estimate first given; and when gentlemen from the East and the West are called on to vote on these propositions, let them bear in mind that the adoption of this bill, as reported by the Committee on Military Affairs, is to fasten them to this car of extravagance, until every dollar derived from imposts, and the tens of millions yet to be received for Western lands, will be swallowed up in this magnificent, useless scheme of expenditure. I belong to a seaboard State, one as liberal in its appropriations as any State in this Union; but I can never consent by my vote to do such manifest injustice to different parts of our country. The hope that, when the country had been placed in its present position, the money would be divided, is a hope that has long been held out by those in power; and, so far as my vote can go, they shall have an opportunity of redeeming their pledges. I will never postpone the day, either by using the moneys already on hand, or by entering upon a system which will call for untold millions.

The gentleman had said one thing, which amounts to something more like an attack on a public officer than any thing I have heard in this hall. He says, no one knows what amount of money is in the public Treasury.

If no one else knows, I move a resolution calling on Mr. Reuben M. Whitney for the information.

Mr. Gillet said that he had not averred that no one knew the amount, but that gentlemen differed as to what that amount was.

Mr. GRANGER. What do you say it is?

Mr. GILLET. About seventeen millions.

Mr. GRANGER. Seventeen millions! Well. Seventeen is a favorite number in New York, and one upon which our State was once revolutionized. The gentleman has called upon me to declare the opinion of a distinguished individual, as to whether he is ready and willing to devote the surplus revenue to the colonization of people of color. I will not presume to answer that question for another, nor will I animadvert on the propriety or delicacy of addressing it to me; but, for myself, although the object of the inquiry cannot be doubted, I have no hesitation in answering; for I have no opinions on this or any other subject, that are not as clear and open as the noon-day sun. I, sir, would not take the general fund of this nation for such a purpose. And why would I not? Because, were there no other reasons, there is a large portion of the people of this country whose interest in that fund is as dear and sacred as mine, or that of my constituents, who might feel that their rights had been invaded by such a course. They might feel so now. Should the period ever arrive when that section of the country should maintain a different sentiment, there is no man in this hall who would more cheerfully meet what they might require. But whatever I may think of abstract propositions connected with this subject, or of the practical results of a particular system on the different sections of the Union, the constitution of this country, that sacred instrument under which all our rights are secured, has guarantied to the people of the South rights which I will never violate, but which should be guarded as firmly as any belonging to the people of the North.

I have a word or two to say, sir, in questioning the gentleman from New York; for I think we should have turn and turn about in matters of this kind. I will ask him, as connected with the public funds, and with the hopes that have been held up to this nation, about where these funds are, and whether it is not about time to look after them? If gentlemen believe what has so often been repeated in this House, and carried through the newspapers to every section of the Union; and if the gentleman himself, [Mr. GILLET,] who has introduced the bill for the "fabrication of gold coin," (and I wish that gold coin was the only fabrication that had been given to the world on this subject,) I will ask him whether, if the assertions made here, that a metallic currency is the only true basis of security, be correct, we had not better divide our funds as soon as possible, for fear of bankruptcy. On this subject I offer no opinions of my own, but call on gentlemen of the administration to practise as they have preached.

I was never any great admirer of the United States Bank, as gentlemen who know me are well aware; but my attention has been called to the report made by Mr. Toland, under direction of the Government, by which it appears that, in 1832, the amount of public deposites, in all, was about seven millions, ($6,957,621 54,) to redeem which there was in the Bank of the United States more than eight millions of specie, ($8,026,055 45,) making more than dollar for dollar, to meet your demands. Well, sir, we were told this was unsafe, because a metallic currency was the basis of all security. What sort of currency have we got now? We have in all the deposite banks, as the report of the Secretary shows, something like eleven millions, ($11,067,718 58,) in gold and silver, to meet public deposites of nearly thirty-four millions of dollars, ($33,756,588 59.) Now, if we go on advancing for the next four or five years, securing the public money on a metallic basis, in the same proportion as we have advanced for the last two years, I should like to know how long it will take us to reach the point of that perfect security which has been promised by this administration. My colleague can soon work it out on the principle of progression stated in the horse-shoe question, which is to be found in any old book of arithmetic. At this rate, how long will it be before we shall have only a metallic penny to represent a hundred dollars of your governmental deposites? Not so long as the public funds will be unjustly withheld from our people, if we adopt the splendid scheme of fortifications proposed by this bill.

Now, then, a few words to the faithful, for I never speak to States like Pennsylvania, which they say has been bought up by the monster: I say let them go. For the sake of argument, I take it for granted that the Legislature of every State that is not in favor of this administration, and that presumes to grant the facilities by which the operations of commerce are carried on, is bribed, and that all their bank charters are given merely to throw obstacles in the way of the General Government in its desire to get back a metallic currency.

But we will take a view of the orthodox States; Maine, for instance; because, with the exception of my venerable friend on the right, [Mr. BAILEY,] and the talented gentleman [Mr. EVANS] usually in front of me, there is not a more orthodox State represented in this hall. Well, what progress has she made in getting back to a metallic currency? Whilst streams of gold are flowing not only down but up the valleys of the Mississippi, and inundating every section of the country, I ask whether, at the last session of her Legislature, Maine has not given an increased number of banks to an amount nearly, if not quite, equal to all the banking capital that before existed in that State? I go further, because, by binding the extremes, we can embrace the other sections of the country. I ask certain gentlemen from Georgia, from the El Dorado of the nation; from that very place where, from reading certain speeches, we should suppose that they dig up gold as plentifully as we at the North dig up gravel stones, how far they have advanced in getting back to a metallic currency. I call on them to state in their places whether there has not been within the last year an increase of banking capital almost unprecedented. And, last, I come to the grand pivot of republicanism on which this splendid system is to turn, and for whose "favorite son" all its benefits are to be secured.

Look at New York! Yes, sir, look at New York! Although your partisan papers have joined in this cuckoo-song of metallic currency, and although the dominant party have by every means in their power endeavored to deceive our people by it, what do you find? The Legislature is now in session. The party have one hundred and twelve members in the House of Assembly. It is well known that it requires eighty-six affirmative votes to pass a bill, because it can only be done by a vote of two thirds of the whole number of the representatives. And still I call upon the gentleman from New York to rise and say whether the popular branch of the Legislature of that State has not this year passed a number of banks as great, if not larger than at any previous session. Am I to be told they will be arrested in another branch? In contradiction to that, we know that the Senate has already passed one, and increased the capital of another bank; and there is every reason to suppose that the batch of twelve or fifteen passed by the Assembly will receive the sanction of both Houses. And still there is no republicanism in this country but that which is connected with the metallic currency, and no safety for your public Treasury but in placing it upon such a basis; whilst the history of the country shows you no example of such a miserable metallic security as at this moment sustains your public deposites.

But gentlemen, in their attempts to use up the public revenue, have not stopped even at the extravagant

proposition before us. We have found that they are not only to resort to this extensive system of defence in time of peace, but some members here have endeavored to create a belief that these funds are to be used in war, that grand impoverisher of nations. To gentlemen in this House, who, from sympathy of feeling, or contiguity of position, have found their minds wrought up to high excitement by recent occurrences, I have nothing to say. No man feels for those around him more keenly than I do; and had I friends or relatives there, bound to me by those ties which alone make life desirable, I should not measure my vote by any close rule of constitutional duty; for I am not one of those who can throw aside the feelings of the man, to put on the armor of the legislator. I, too, in the moment of feeling, should use expressions, and possibly give votes, which I might afterwards regret, as compromitting the honor and dignity of the nation; for I know myself too well to doubt that, under such circumstances, I might thus vote.

But if there be a man on whom the brand of opprobrium should be placed, and who should stand marked in a community as deserving the severest censure, it is he who could trifle with a question of this kind, merely for the purpose of holding out to the public this false evidence, that the day has not yet arrived when their long-cherished expectations should be fulfilled, because the public money would be required to carry on that war.

I will not dwell upon this subject. War, however successful in its result, is ever a national calamity. There may be much to gratify pride, and to reward patriotism; but, sir, the plume of victory is ever crimsoned with the blood of the brave, and the conqueror's chaplet is a blended wreath of cypress and of laurel. I have done. Whatever has been said seemed called for by the course my colleague was pleased to adopt; and I have only to return my unfeigned thanks to the House for the patient attention with which I have been most kindly indulged.

Mr. BRIGGS said he understood there were three propositions before the House: one to commit this bill to the Committee of the Whole on the state of the Union; one to refer it to the Committee on Public Lands, and the third to refer it to the Committee of Ways and Means. The debate upon this preliminary question was taking a very wide range, involving the merits of the most important and interesting subject of disposing of the proceeds of the public domain; but he would endeavor, as far as possible, to confine the few remarks he had to make to the immediate question before the House. If (said Mr. B.) the bill is to be referred to any one of the standing committees of the House, it should go to the Committee on Public Lands. If a reference is necessary and proper, that, in my opinion, is its appropriate destination.

By the rules of the House, that committee are to take into consideration all subjects relating to the public lands. The bill before the House proposes to dispose of the proceeds of the public lands, and naturally involves all the great and interesting questions connected with it. The history of this bill in both Houses of Congress for the last four or five years sustains this view of the subject.

It is true that, on the first introduction of the subject into the other branch of the Legislature, it was, for reasons which need not now be named, referred to the Committee on Manufactures. That reference was an extraordinary one. That committee reported a bill in all essential respects the same as the one now before this House. But after it was reported to the Senate, it was recommitted to the Committee on Public Lands, because it was argued that that was the committee to which it appropriately belonged. The subject has been under discussion in that body nearly or quite every session since its first introduction, and I think has uniformly been before that committee. I believe, on a reference to the journals of this House, it will be found that, when referred at all, it has taken the same course. The nature of the subject has not changed, and it seems somewhat strange that, after the practice of both Houses for a course of years has confirmed the jurisdiction of the Committee on Public Lands, an attempt should now be made to send it to the Committee of Ways and Means. It has never before occurred to either the friends or opposers of the bill that it belonged to that committee. Believing that it does not belong to that committee, and that this House will not depart from the established and uniform practice of both branches of Congress upon this identical bill, I will not take up the time of the House in further discussing the motion to send it there.

I shall vote to refer the bill to the Committee of the Whole on the state of the Union. There are no facts to be elicited, and no new and important principles to be examined and discussed, which render it necessary for it to be committed to the scrutiny and consideration of any committee. The preliminary action of committees has so often been had upon it, that the House is now as well prepared to proceed to the discussion of its merits as it would be after it should again have been under the notice of a committee. All the reports which have been made, covering the whole ground for and against it, are at our command. It has passed the other branch of the Legislature several times, and once received the sanction of a large majority of this House. The whole subject has been before the country, and occupied a large share of the public attention for years. These reasons bring me to the conclusion that its reference is not at this time necessary.

The Committee on Public Lands of this House have had under their consideration this whole subject during the present session. Some time back they reported a bill to graduate the price of the public lands. That bill is now in the Committee of the Whole on the state of the Union. The two subjects are somewhat, and many gentlemen, consider intimately connected. It is proper that they should be kept together. By sending this bill to the same committee, if it should be thought wise and just to unite any of the provisions of the two, both would be under our control, and it could be done. I vote for this course, also, because it will insure a more speedy action upon the subject. Should it go to either of the committees named, it must take its chance with the mass of other business now before them, and no mortal man can tell when we should see it or hear from it again. Sir, this is a bill of absorbing interest, and one upon which the public mind is intensely fixed. As soon as the bills now before the House, which demand our immediate attention, shall be disposed of, it should be taken up for discussion and action. If it goes to the same committee to which has been committed the graduation bill, reported by my friend from Illinois, [Mr. CASEY,] the friends of both will unite in promptly calling them up. These, sir, are some of the considerations which will govern my vote on this question of reference. To me they are sufficient, and I hope they will have their proper influence upon others. The gentleman from New York [Mr. GILLET] says that we ought not hastily to dispose of the surplus money in the Treasury, but tells us that the subject should be sent to the Committee of Ways and Means, and we should wait until informed by them what will be the drafts upon the Treasury, by the appropriations which have been or which may be made. He tells us that there are different opinions as to the amount of money now on hand, and thinks it necessary for us to be informed on this part of the subject by a report from the Committee of Ways and Means. He has enumerated a great number of objects for which he says large appropriations will be required. Mr. Speaker,

how wonderfully things have changed in this House in the course of one short year! At the last session of Congress the public revenue was guarded at every point. We had at the head of the Ways and Means a chairman who scanned the various objects embraced in the appropriation bills with the most commendable scrutiny. If any amendments were proposed, increasing the expenditures, he was always found at his post, the sleepless sentinel of the Treasury, and ready to resist the appropriation of every dollar not imperiously demanded by the public interest. Now, sir, the great concern is how to multiply the objects of expenditure. The money of the people is to be poured out by millions in unguarded appropriations, instead of being distributed among the States, that it may be returned to the possession of its rightful owners.

The gentleman asks if members of this House are not willing to vote money for the defence of the country. The defence of the country! the public defence! This term, sir, has all at once become the watchword of patriotism with certain gentlemen on this floor. What do gentlemen mean by the defence of the country? Our great cities and public works on the Atlantic coast are certainly as well fortified and protected as they were some six or seven years ago, when our Chief Magistrate in two successive messages recommended the distribution of the surplus revenue among the States, according to their federal numbers, after the public debt should be paid. From that time to this no notes of alarm have been sounded, calling for heavy sums of money for the defence of the country. Mr. Speaker, I am as ready as any gentleman here to vote large and liberal sums for all the important purposes of national strength and security. And when all the appropriations which the condition of the country calls for, upon these objects, are made, there will be left in the Treasury an amount amply sufficient to meet the provisions of this bill. I will not give my voice in favor of one dollar of appropriation for any object beyond the amount that can in all reasonable probability be expended. Such an appropriation is deceptive, inasmuch as it purports to be a draft upon the revenue for its nominal amount, whilst so much only as is actually expended is required for the public service, and the balance remains in the deposite banks, where it now is, being transferred on their books from a credit to the Treasury to the credit of some disbursing officer. Since I have had the honor of a seat upon this floor, the journals of the House will show that I have not been reluctant in giving my support to expenditures of money for the defence of the country. I am most willing, sir, to compare votes with those who now talk loudest and longest about the public defence in this hall. It might not be altogether unprofitable for the gentleman from New York [Mr. GILLET] to recur to the record of his own votes upon these subjects at the last session of Congress. If I am not very much mistaken, the gentleman will find that on the successive propositions to amend the fortification bill, by increasing the sums for fortifications in the harbors of Boston, New York, Philadelphia, Baltimore, and Penascola, my vote, and the votes of those with whom I usually act, are in favor of those amendments, whilst his own, and the mass of the majority with which he acts, are against them. He, with that majority, defeated them, though some of them, at least, were recommended by committees of this House, and by the proper officers in the Departments. But that zeal for the defence of the country which now animates the hearts of gentlemen was not then kindled.

My mind has undergone no change on these subjects since that time. I am now prepared to carry out, to the most liberal extent, the principles by which I was then governed. The gentleman desires information from the Committee of Ways and Means as to the amount of money now in the Treasury, and as to what will probably be received during the current year. If he will take the trouble to examine (if he has not already done so) the various documents which have been printed and laid on our tables, from the Treasury Department, I think he will find information sufficient to enable him to act on the bill now before us when it shall be taken up. The amount of money in the deposite banks, as appears by the statement of the Secretary of the Treasury of the 25th April, was about $37,000,000. The receipts from the public lands and the customs, for the last three quarters of the year, may be safely estimated at $25,000,000. The Government stock in the Bank of the United States is worth $8,000,000. These three sums give the enormous aggregate of $70,000,000. Can the ingenuity of man devise means sufficiently extravagrant and wasteful to dissipate, in the course of one year, this mass of public treasure? Does not the condition of the country, does not justice, does not the voice of public opinion, sternly demand some such measure as that proposed by the bill upon your table for the restoration to the people of the country, to be used in the business of the country, of that portion of these millions of their money which is not wanted for the public service? One of the mammoth projects designed to swallow up the surplus revenue is the appropriation of about seven millions of dollars to the various railroad corporations of the country, for services to be hereafter performed in the transportation of the mails. These services, to be performed from this day forward to the end of time, are to be paid for in advance. Heretofore, the private contractors with the Government for carrying the mails have thought themselves well off if they could get their pay after they had performed the services. But now, sir, to prevent the distribution of the proceeds of the public domain among the States of this Union, for the use and benefit of all the people of the Union, we must advance to railroad corporations six or seven millions of dollars, to pay for services not to be performed until after the present generation of men shall have passed from the earth. At an early period of this session, these same railroad companies were held up and spoken of in high places as odious monopolies, ready to take advantage of the Government by extorting unwarrantable sums for the transportation of the mails. How complacently will these "soulless monsters" now contemplate this proposition to pour out to them these millions of the public money for the performance of future services!

I beg pardon for having rambled a little from the direct question, in noticing some of the reasons which have been urged for referring this bill to the committee of Ways and Means. I hope the House will keep it within their own control, by committing it to the Committee of the Whole on the state of the Union, where it will be by the side of its kindred bill already in that committee, and where, I trust, the public expectation will be met, by taking it up, and acting upon it at the earliest possible moment that the state of business before the House will permit.

Mr. LANE took the floor, but the hour of one o'clock having arrived, the special order was announced.

FORTIFICATION BILL.

The House, on motion of Mr. CAMBRELENG, proceeded, in pursuance of the special order of the 26th of January, to the further consideration, in the Committee of the Whole on the state of the Union, (Mr. MANN, of New York, in the chair,) of the "bill making appropriations for the fortifications of the United States for the year 1836."

The question being on the motion of Mr. CAMBRELENG

ING to amend the bill by inserting a clause making an additional appropriation of $700,000 for the armament of the fortifications—

Mr. TOWNS, who was entitled to the floor rose and addressed the committee as follows:

Mr. Chairman: I rise under the most painful sense of duty, with emotions such as I have seldom felt—with apprehensions not easily described. If, sir, under any circumstances, I could hope to engage the attention of the committee, I could scarcely expect, after the protracted discussion already had, to do so at this time. My purpose will be, to submit the opinions I entertain on some of the important questions suggested by gentlemen in the course of this debate; and if I should be so fortunate as to deserve the credit of not exhausting the patience of the committee, I shall feel in some degree rewarded for my labor. I will take this occasion to remark, that while I reserve to myself the right to defend the opinions I entertain, and the principles of the party to which I am attached, it will be my first object, as it would be my greatest pleasure, to avoid inflicting the slightest wound upon the feelings of any gentleman whose argument I shall attempt to answer. With the motives of the gentlemen on this floor I have nothing to do—motives lie buried too deep in the human heart for me to search after, and they will be treated by me as beyond the range of appropriate inquiry—sacred to the individual, sacred to the character of this body, and not to be questioned, only at the expense of harmony.

Sir, we have been assured by gentlemen of high standing in this House, in the progress of this debate, that there was a peculiar fitness, both in the time and usages of the Government, to enter not only into the examination of the principles of the present administration, but to scan, with a searching eye, the political opinions and practices of the distinguished statesmen whose names are now before the American people for the first office in their gift. Since, sir, it has been the pleasure of gentlemen opposed to this administration to urge an investigation into its principles and practices as a paramount obligation upon this House, with no other apparent object than to connect whatever in their judgment may appear odious with one of the candidates before the people for the chief magistracy of the Union, it shall be my business to raise my humble voice in defence of principles and practices not of recent origin, but whose existence can be traced to the purest days of our republican institutions; and to show, sir, when these principles have been assailed, the blow has fallen either from open enemies, or pretended friends to the principles of the republican party of this country, as founded on the administration of Mr. Jefferson, and fully acted out by that of General Jackson. Sir, I will once for all assure this committee, that while I cherish the kindest personal feelings to every gentleman in this House, with whom I have had the honor of cultivating an acquaintance, I must be permitted to differ with many of them in the views they have submitted in the progress of this discussion; and, differing from them, I shall claim no more nor less latitude in debate than they themselves have enjoyed. If, in the exercise of this right, feelings of an unpleasant character are produced, a recollection of by-gone times revived, past occurrences reviewed, and the history of some of your statesmen, who are now seen attempting to control the destinies of their country, and who have but too often appeared as perturbed spirits in the important events in our history for the last twenty years, the fault will not have been mine; but the consequences must rest with honorable gentlemen whose range in debate has rendered such a course not one of choice with me, but of painful necessity.

Mr. Chairman, I shall not consume much of the time of the committee in attempting to answer any portion of the argument of the honorable gentleman from Virginia [Mr. McCOMAS] who preceded me. Not, sir, because of any want of merit in that argument, but because much of what the gentleman said was in support of the power of Congress to distribute the proceeds of public lands, by an act such as the Senate has recently passed and sent to this House for our adoption. Nor will I complain, sir, at the infinite joy that honorable gentleman seemed to derive from the conviction upon his mind that he had established, quite beyond the reach of future disputation, that the opinion he entertained on the subject of the distribution of the public lands was in strict accordance with the opinions of President Jackson, as expressed in his communication of 1829. If the honorable gentleman had devoted more of his time and research into the true condition of the public Treasury, and the future prospect of a rapid decrease of our revenue, connected with a comprehensive view of the actual posture of affairs upon our own continent, he would probably have arrived at the conclusion that it would be quite time to devise means to disgorge your Treasury, when the just demands of the Government and the best interest of the people had been provided for. And surely, sir, the President of the United States cannot be understood as recommending a division of the revenue, so long as the public service and public safety require its application to those purposes.

The President's views upon this, as upon every other subject, have, in the course of this discussion, been strangely misapprehended, or otherwise he has had the miserable misfortune of misunderstanding himself. When the President recommended to Congress "that it seemed to him that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States according to their ratio of representation; and, should this measure not be found warranted by the constitution, that it would be expedient to propose to the States an amendment authorizing it," he did not, he could not, mean that at the end of any single year, should there remain an unexpended balance, either unappropriated or undisbursed, it should at once be distributed in this way. But he meant, as his language clearly implies, that there should be accumulated in the Treasury, over and above the wants of the Government, a permanent fund, not likely to be affected by any sudden decrease of revenue; not likely to be required by any sudden change or disorder in our commerce or foreign relations, requiring large expenditures for the maritime frontier, or in various means of necessary and proper public defence. No, sir; the President never said, in his message or elsewhere, that the public treasure of this nation should be divided, when the great interest of the entire mass of the people of these States directed, without the possibility of a mistake, to what national ends their money should be applied. And, before the honorable gentleman from Virginia can claim to act in conformity with the opinion of President Jackson on this subject, he must first show an actual, a permanent, and fixed surplus, and not the mere possibility of an unexpended balance in the Treasury at the end of a single quarter, which may be required, not only for purposes of general defence, but to save your frontier from all the horrors of Indian barbarity, before the next quarter. The honorable gentleman has also informed us that, while he does not believe in the various charges that have been made against the President, giving the leading measures of his administration his cordial support, with the exception of his course on the removal of the public deposites, he, nevertheless, stands wholly uncommitted upon the subject of his successor.

The honorable gentleman has given the further assurance to the committee, that when the period shall

arrive for him to exercise the elective franchise, he will march to the polls, with the fearless spirit of a true Virginian, and there, by his vote, assert his preference for that man he should think best entitled to the public confidence. Sir, I would not discourage this manly bearing in the honorable member. I would not have him fall one jot or tittle from that bold and independent stand that he has chosen to occupy. I would barely remind him that, if the current scandal of the day is to be accredited, he will, in pursuing the course he has intimated, subject himself to the imputation of being the follower of that individual so often denounced as the non-committal candidate. But, sir, a consciousness of the injustice of this charge against that distinguished individual has doubtless had its influence upon the course of the honorable member, and therefore he is prepared to avow for himself, as worthy of a Virginia Representative, the very principle, if indeed it can be called a principle, which, so far as the Vice President is concerned, rests only upon vague charge, unsupported by proof, or grounded upon fact.

I will now, Mr. Chairman, having briefly noticed some of the arguments of the gentleman from Virginia, [Mr. McCOMAS,] proceed to the consideration of the principles involved in the amendment offered by the honorable chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] to the bill on your table, and submit some reasons that will influence me in opposing the mode of distribution of the public revenue provided for in the bill proposed from the Senate. The great question now presented for the consideration of the American statesman is, whether a system of defence consistent with the genius and character of our institutions shall be adopted, and become the settled policy of the Government, until that system shall be completed; or whether we shall adhere to that policy heretofore pursued, restrained as it has been for the want of funds, and so contracted in its scale as to afford a very insecure protection to the numerous exposed points of our widely extended territory. In determining wisely a question that addresses itself to the pride, the patriotism, and the judgment, of every American citizen, we should take a comprehensive view, not only of our present actual condition, but should also extend our reflection to a period of time far beyond the present. We legislate now, not only for the time being, but to protect the interest and insure the prosperity and the happiness of those who are to come after us.

Sir, that statesman who does not look to the future as well as to the present interest of his country, who does not look to its future wants, necessities, and condition, falls infinitely short, in my opinion, of discharging his first duty to himself and to future generations. What subject, let me ask you, could address itself more favorably to our consideration than the subject of our national defence? If, sir, there be any thing in the recollection of past danger, if one page of our country's history affords more joy than another, is it not that page which tells the story of the gallant and brave resistance of your countrymen fighting from within the walls of your fortifications, repelling a proud and experienced enemy far exceeding themselves in number, and possessed of the munitions of war many times more than equal to their own? Sir, it is not upon the slender basis of imaginary advantage that I would advocate the bill upon your table. The principles of that bill are sanctioned by the experience of all ages and all countries. Go to any nation, look to the condition of any people who feel themselves happy and believe themselves safe, you will find that their great interest is protected by that system of defence which is best adapted to their condition. Our Government is not one of force, but of voluntary legal restraint; and the people that yield obedience to that Government can expect nothing less than protection from it. How are you to protect them, if the defenceless state of your maritime coast invites rather than deters foreign invasion? Let any man look to the immense property, private and public, spread upon our maritime frontier, from Canada to Texas, and deceive himself with the belief that it is not necessary to throw between that property and the approach of the invader the most ample defence. Sir, the man who has studied the human character, with the belief that, with either individuals or nations, the greatest security is to be found in the greatest degree of weakness and dependence, has trimmed his midnight lamp to little profit. And the American statesman who believes that our greatest security depends in doing nothing for national defence, does but invite the cupidity, the avarice, the ambition, and, in short, the worst passions of bold, daring, and ambitious invaders, to commit lawless outrages on the rights of others—to invade our shores and destroy the property of our citizens. You have been admonished by the Father of his Country, that "in peace prepare for war;" and this maxim, delivered by one whose memory, so cherished by all, has been uniformly impressed upon the attention of Congress through every administration, so far as my researches extend, except that of Mr. Jefferson, and is now recommended and enforced by a recurrence to our situation by the present Executive, of whom it may be said, that there lives not the man on this continent whose experience and penetration on this subject entitle his opinion to more respect and attention. Sir, he has in his last message called the attention of Congress to the subject of our defence. In adverting to the fact that the gathering storm, which had for the preceding twelve months been lowering over us, had passed away, leaving our horizon clear, unclouded, and serene, with ample means and abundance of materials and leisure to carry on a system of defence, he has indulged the hope that he might press the subject without the danger of being misunderstood, and from considerations of patriotism alone. There have been studied and labored efforts made by honorable gentlemen to make this system of defence, as recommended by the present administration, unpopular, on the ground that it was establishing a large standing army in time of peace, dangerous to our liberties, fatal to our prosperity, and in utter disregard of that plain system of republican simplicity, so much the admiration, either actual or professed, of all parties. Sir, misrepresentation on this point, both as to motive and effect, were little less than any man, who has observed the course of debate during the present session, could expect. Yet I could but feel some little astonishment when the honorable gentleman from Tennessee [Mr. BELL] assumed the broad ground that the course of policy, as contained in the appropriation bills of the present Congress, was, in principle, identical with the policy of the odious part of the administration of the elder Adams. Sir, my valued friend from Virginia [Mr. GARLAND] answered the argument of the gentleman from Tennessee [Mr. BELL] so conclusively on this point, that I will, at this time, forbear further notice of that charge, but reserve for another part of my remarks an answer to some of the many errors in which I apprehend the honorable gentleman [Mr. BELL] has fallen. For one, I am willing to admit there is a secret joy, a feeling truly national, that springs up in my bosom at the contemplation of that period when these United States, as one family, protected in our domestic and federal relations, by preserving unimpaired the guarantees of the constitution, will be able to look to her entire frontier, and be prepared, by her means of defence, to stand upon her own border and bid defiance to all the Powers of the earth that would dare pollute our sacred soil with invasion. Now, sir, does it necessarily

follow, for the purpose to which I have alluded, that you are to plant your forts at every harbor and inlet on your Atlantic and Gulf frontier? No, sir; so far as that particular arm of the national defence is concerned, I would only propose that your large commercial cities, and the inlets to those harbors where your navy can ride in safety, should be protected by forts that would prevent the possibility of surprise by a superior naval force. But, sir, it is not forts alone, judiciously arranged and placed at commanding points, that I desire to see. It is the increase of your navy; so that the commerce of the country may be safe in every sea and in every clime; that the product of the husbandman, when sent to seek a foreign market, is not to be rendered valueless because of the danger of seeking that market. No, sir; let every branch of industry receive equal protection; let the great interest of your planter be secured by the protection which your navy ought to afford; for it is in vain to speak of commerce, it is in vain to tell me that the producer of the staple articles of this country is not deeply and vitally interested in strengthening the naval arm of your defence, so that the dangers of commerce which tend to lessen the value of the article in the home market, should not be diminished by the want of that protection which can alone be extended by a wise application of your public treasure, to place your navy in a position of strength that will command the respect of the world. Sir, it is folly to have a navy unless you, by means of fortifications, so protect your harbors that that navy will lie safe from the attack of a superior force. And yet a system, so moderate in itself, aiming at no other end than to give greater security to every interest of every citizen of these United States, has been denounced as a system intended to enslave them, and entail upon them the evils of heavy taxation. Sir, I will not further trouble the committee on this point; I should feel humbled, I should feel as if I had betrayed the interest of my constituents, were I to return home and tell them that, under the most favorable circumstances, and with an overflowing Treasury, I had failed to support the only measure that would make them prosperous in peace and safe in war. I have endeavored to offer some reasons to the committee to show that it is our first duty to place the country in a proper state of defence. I have treated that branch of the question as a whole, without attempting to discriminate between the points necessary and proper for the defence on the one hand, or the equality or inequality in the public disbursements, in a geographical point of view, on the other. These are considerations that never can operate on my mind in determining upon a system of public works, which, in order to receive general approbation, must be established upon principles of equal justice.

I will now, Mr. Chairman, proceed to show that, while the public treasure is quite sufficient for all the purposes of a wise system of national defence, no mistake is greater, none that has received a wider range of circulation, than that we shall have a surplus of from 30 to 50 millions on the 1st of January, 1837. I have no such fears as many gentlemen have expressed, either as to the amount of the surplus, or the danger to which our institutions are to be exposed from the supposed corrupting influence of any accumulation of money that may be in our Treasury. Sir, my apprehensions are of a very different character. There is something to dread from that restless anxiety created by continued excitement on almost every subject. There may be, hereafter, abundant cause for sympathy for those gentlemen who have again and again announced to the American people, that their money had accumulated, and was accumulating, in the public Treasury, to the amount of fifty millions above the wants of the Government. It may be, sir, that there may arise in the bosom of that people who are thus informed, a curiosity to inquire, and a spirit to know, by what means and by whose system of public policy it was, that this money has been thus unnecessarily taken from their pockets. It may happen, sir, that the spirit of inquiry, honest, indignant inquiry, may still go farther. It may occur to our constituents, in such an investigation, that the very party, nay, more, the combination of parties, that are now proclaiming the existence of millions of surplus revenue in the Treasury, are the very men, the very party, yes, sir, the combination of parties, that originated, cherished, and sustained the system, by the operation of which alone this surplus of the people's money, which they now propose to return back by the way of distribution among the several States of the Union, has been produced. Sir, let no man here or elsewhere deceive himself by attempting to mislead others. The American people will ask the question—common sense dictates, common justice requires, and common honesty would give a plain answer to it—From whence arose this enormous surplus? Did it come out of the pockets of the people? If it did, why did you exact of us more than you wanted for the use of the Government? Why demand in advance our substance, our money, and the proceeds of our industry? Let the politicians who say there are countless millions now to divide, and enrich the people, march up to these questions, and give them a plain answer. Sir, the people are not to be deceived by those professions of friendship and kindness. We have heard much about the people's rights being violated, disregarded, and trampled under foot, by withholding from them this surplus revenue. But gentlemen should remember that, by those professions, they virtually plead guilty to the charge of unjustly exacting from the people any amount they now propose to return. It is in vain for gentlemen to shift ground, and charge the state of things they have chosen to assume as true, upon any regular operation of our system of Government. Such a charge, no matter from what quarter made, would receive the prompt refutation of every candid and patriotic bosom.

But, Mr. Chairman, let us consult the best sources of information, not only to ascertain the probable amount of revenue we may have on the 1st January, 1837, but the causes that have led to the increase of that revenue for the last two years, and examine with fairness and candor the probable operation of events upon the sources of revenue. It is well known that our revenue is principally derived from the sales of our public lands, and from duties imposed upon foreign merchandise; and if it can be shown that there has been an unusual importation of dutiable goods, and an unexampled sale of the public lands, within the last two years, it will follow that no prudent financier will take the revenue of those two years as the basis of his calculation for any period hereafter, unless it can be shown that the same causes that produced the increase for the last two years will continue to exist, and have the same effect, for the time to come.

Sir, the amount of goods paying duties imported in the year 1834 was $47,000,000; and the amount for 1835 was $66,000,000, making a difference of $19,000,000 of dutiable goods between the years 1834 and 1835. What is the fact exhibited by the sales of the public lands? In 1834 your sales amounted to $4,887,600, and in 1835 swelled to the enormous sum of $14,757,600, showing a difference of nearly ten millions in the amount of the sales of public lands alone in the last two years. In 1833 the actual receipts in the Treasury from all sources were $33,960,203; during the year 1834 the actual receipts from all sources were $21,791,935. In 1835 the actual amount of revenue from all sources was $34,913,755. I have presented these facts with the

view, Mr. Chairman, of showing the rapid changes that take place in the amount of dutiable goods imported within the last two years, to show the difference of revenue for those years, and to give some reason in explanation of the sudden increase of the last year. I should not make the slightest allusion to a fact so well understood by this committee, but for the purpose of establishing a proposition which I had promised to maintain.

The character of the American merchant is as well established for promptness of action as for quickness of conception, and no sooner did the relations between this Government and France assume a doubtful aspect, than the importing merchants, both of this country and of Europe, perilled something in anticipation of a rupture between the two countries, and hence the chief, if not the only, cause of the difference of nineteen millions in imports of 1835 and 1834. Would it, then, be fair to infer that this rapid increase was necessary to meet the increased demands for consumption? Or is it to be attributed to that spirit of speculation that so well defines the character of the merchant? Sir, every candid man, be he of what party he may, must ascribe this sudden increase of imports to the mistaken calculations of merchants; and if it was necessary to adduce proof in support of a proposition so clear, is it not found in the fact that at this time, at the very points, in the very cities, where the largest importations were made, there is now the heaviest pressure in the money market? Sir, I would not undertake to establish before this committee, what every gentleman must admit to be true, that embarrassments are never lighter, or the money market less pressed, than when the amount of imports does not exceed the demands of consumption. Nor will it be a difficult point to establish, that if the embarrassments now felt in some of our Atlantic cities has proceeded from excessive importations beyond the wants of consumption, we may look with absolute certainty for a sudden diminution of revenue from that source. This extravagant trade of over importation has had the effect to abstract from circulation the precise amount which has been invested in that trade, and remains in the hands of the importer, for the want of purchasers; for in vain does the foreign article seek a market, when the wants of the consumer have been supplied. The amount that remains in the hands of the merchant is dead capital, and its place must be supplied, or money raised to an equal amount, by an overdraw upon the usual demand upon the money market. This state of things, which is the unavoidable consequence of overtrading, has been used by the enemies of the administration to show the wretched state of the currency, arising, as they allege, from excessive issues of bank paper from State institutions. The operation of this excessive trade is perfectly clear. The money dealers, whose business it is to watch over and profit by the folly, miscalculation, and overtrading, of the merchant, no sooner perceive their condition, than they add an increased charge upon the use of their money. The merchant is compelled to pay it, until the wants of the consumer will afford him an opportunity of realizing cash upon that portion of his stock which had remained upon his hands as dead capital, driving the merchant to all the expense and additional charge of raising money at an increased rate of interest; an operation well calculated, and often leading to, his utter failure and ruin. It is worthy of remark, that no sooner had the opponents of the administration perceived that the last year had been signalized for excessive trading, than they instantly predicted, what they well knew was inevitable, a pressure in the money market and the increase of domestic exchange, charging the whole to what they are pleased to call the "gold humbug." All this has been done to arrest an experiment that promises fair to succeed, but which, if overthrown, must raise another national bank. But, sir, I ask, can any man look into the present condition of trade, and believe that our revenue from imposts will equal that of last year? Can any man believe that the enormous sum of nearly fifteen millions is again to be received from the proceeds of land sales in any one year. No, sir; the time is not far distant when the revenue from that source must fall to less than two millions.

Having exhibited some reasons in support of the opinion I set out with, in order to place this question of surplus revenue beyond all doubt, I am willing to take, as the probable amount of revenue from all sources, the amount of revenue for the year 1833; which is - - - - $33,960,203 80
To this add the surplus on the 1st of January, 1836, - - - 16,850,914 00

$50,811,117 80

So that if the amount of revenue from all sources for 1836 should equal that for 1833, then we shall have the above amount of $50,811,117 80, provided I show that the balance in the Treasury subject to appropriations on the 1st of January, 1836, was $16,850,914. We will now take the revenue from all sources for the year 1834, which was - - - - $21,791,935 55
Add to this the balance on the 1st of January, 1836, - - - 16,850,914 00

$38,642,849 55

But take the prosperous year 1835, with an increase of revenue from land sales, over and above any other year, nearly ten millions.
From all sources the revenue of 1835 was - - - - $34,913,755 14
To this add the amount in the Treasury 1st January, 1835, - - 16,850,914 00

$51,764,669 14

Now, I would appeal to the sober reflection of every gentleman, if we can believe the revenue of 1836 is to equal that of 1835? But admitting it did, which I cannot believe, we shall have only a little above fifty-one and a half millions; out of which we are to provide, not only for the usual and customary expenditure of the Government, but also for the payment of large sums for Indian treaties, if they can be so called. We are to provide for a Florida war with the Seminoles, we are to provide for arming a force to protect our Western frontiers, and for what other hostilities we cannot tell, but the expenditures of which we cannot doubt. I submit the following as a probable safe calculation of appropriations for 1836:

For the ordinary and extraordinary appropriations for 1836, - - $24,000,000 00
For Seminole war, - - - 2,120,000 00
For three per cent. to States on sales of lands, - - - - 500,000 00
For Indian treaties, - - - 8,767,325 00

35,387,325 00

To this every prudent man would add, at least, for prosecuting the Florida and other Indian wars that may arise, the sum of - - - - 5,000,000 00

$40,387,325 00

Deduct this sum from the amount that is supposed will be in the Treasury in 1836, placing that amount upon the very largest estimate, and you will have

$11,377,344 14. To this add bank stock, and you will then have less than $20,000,000 on the 1st of January, 1837.

But, sir, take the receipts of 1833 from all sources as the basis of your calculation, which strikes me as by far the safest, remembering, as we do, that there is one tenth of reduction under the tariff, and the Treasury then, so far from having a surplus to divide, will be deficient $1,744,475 45, except the bank stock. But, take the Treasurer's own report, and though I will admit that it is the fashion for every gentleman so to make his table as to prove his proposition, still I believe that none is entitled to more respect than the Secretary of the Treasury.

From the Secretary of the Treasury's annual report to this Congress, it appears that the receipts in the Treasury from all sources, during the year 1836, are estimated at - - - - - - $19,750,000

To which add the balance of the available funds in the Treasury, estimated at 18,047,598

And they make, together, the sum of $37,797,598

Should the appropriations, then, amount to the sum I have supposed, your Treasury will be minus $2,589,727, not including the bank stock. But if the land bill should pass, you will then have distributed $20,000,000 for 1833, 1834, and 1835, and every dollar that may be received from that source for the present year, which would, independent of the receipts of the present year, leave your Treasury in debt upwards of twenty millions. How is it to be supplied? The answer is plain—increase your tariff, so well understood by most of the advocates for distribution.

Mr. Chairman, to my mind, there is but one course to pursue; 1st, put whatever surplus you may have in circulation, guarding its safety by efficient legislation; 2d, provide for its prompt return into your Treasury whenever the public service shall require it. This we should do, and not indulge in dreams about the countless millions that are to flow into your Treasury. Sir, consider fully the operation of the tariff on your revenue, before you devise plans to distribute. Avoid any and every act that may lead to interruption of the compromise act as it is. Let it alone for the present, for fear of a worse.

But, Mr. Chairman, should I be deceived in the results to which my investigations have led me on the subject of the surplus revenue, and that, in point of fact, we should have a permanent surplus for the next two years, which it seems to me no man who investigates the subject can possibly believe, then, sir, I shall maintain before this committee and the country that the public treasure should not be divided among the States in the way proposed by the Senate, but should be reserved to be applied to purposes dear to every American bosom, the protection of our own citizens on our Western frontier, and within the limits of the States and Territories of the South, from the cruel butcheries that await them from a merciless foe, as well as to complete our defences on the maritime frontier and on the ocean. I call upon those gentlemen who are urging upon us this novel plan of divesting the Government of the means of protecting her citizens, to look well to the condition of your Western and Southwestern frontier. I ask the Western members on this floor, I ask what prudent man, what discreet statesman, would advocate a measure of this character, when dangers so alarming are multiplying daily in that quarter? We already know that the savage yell, the war-whoop of the fiercest barbarians that inhabit the continent, has been heard in your Western prairies. The work of death may have commenced before this. Of one fact, sir, we cannot plead ignorance, that the savages that have for years past roamed within the limits of the States, numbering in all many thousands, have been mostly removed to their allotted homes in the West, many carrying with them implacable hatred for the white man, and ready, under the slightest pretext, or the least encouragement, to plunge deep the battle-axe and scalping-knife in the bosoms of our unprotected citizens.

Nor is it from the Indian race alone that we have much to apprehend. There has, of late, appeared in that quarter a monster, who wears the form of man, and bears the name of Christian; whose treachery in war, butchery in cold blood, and lawless despotism, give him the first, the highest claim to the execration of all mankind. Yes, sir, let the blood-stained flag of that more than barbarian, Santa Anna, once float on our Western borders, and you had as well attempt to prevent the Mississippi from pouring her waters in the bosom of the ocean, as to restrain the freemen of this country from rushing to the rescue; yes, sir, and the revenge of their suffering countrymen! Sir, our citizens are aroused; the spirit of liberty is kindling around the household altars. The prayers of the good and the spirits of the brave will, in due season, be heard, be felt, be acknowledged; and, for one, I say, let that spirit, that voice, and sympathy in behalf of liberty, religious and political rights, go forth. I will not check its aspirations, but bid it ascend and mingle with like kindred spirits, that in the hour of our darkest colonial bondage gave us aid. It is not to be said of the North Americans that they can stand by and see a struggle on their own continent, within sight of their own boundary, between lawless tyranny and despotism on the one hand, characterized by acts of perfidy and cruelty utterly unworthy the spirit of the age, and a portion of the Anglo-Saxon race on the other. Sir, I am no advocate, however strong our sympathies, to violate the treaty made between this Government and Mexico. I would not consent to any proposition in violation of that high and lofty stand this Government has taken and uniformly observed in her intercourse with foreign Governments. No, sir, I would not have that character for justice and good faith in her relations to other Powers with which she set out in her infancy, and always nobly maintained in her greatest extremity, now tarnished at this late day. But still I would have this Government plant herself upon a high and unequivocal ground, ready to assert every right arising under international law, or growing out of the treaties with Mexico; and, sir, I would have more; I would increase the military arm in that quarter with the strength that would command the respect due by Santa Anna to the compacts between this Government and his own, or, on his failure to do so, crush at once the tyrant, whose cruelty in war has thrown him beyond the sympathy of the Christian world. Yes, sir, I would be prepared not only to prevent the massacre of our own citizens in that quarter, but promptly to revenge any indignity, any violation of faith, any treachery, that might be attempted by this usurper. And am I to be told that we are to divide the revenue among the States, so as to prevent this Government from taking a position demanded by every principle of justice, sound policy, and love of country? No, sir, I think I know the character of the people of this Union, their innate love of liberty and constitutional government, too well to believe that they would hesitate, under the present state of affairs, between a proposition to divide the money on the one hand, or to husband it up with care, to be applied by the Government to purposes of defence, to preserve our honor and enforce the laws of humanity.

Sir, I heard on this floor, a few days since, sentiments from an honorable member from Ohio, [Mr. MASON,] in relation to the motives of that band of patriots who

are now struggling for liberty in Texas, that excited in my bosom any other than pleasant emotions. Does it become a freeman, an American statesman, in the face of the world, to brand a band of brothers, few in numbers, weak in resources, contending against fearful odds, for the rights of religion and equal government, as a band of mercenary speculators? No, sir; I will raise my voice, and maintain here, and in the face of the world, that no such base, sordid, and selfish motives have influenced a portion of the gallant men who have been seen foremost in the struggle for liberty that is now going on in Texas. Many of them, sir, were citizens of my own State. I knew them personally, and knew them well; and the spot on earth cannot be pointed out that has given birth to braver, more dauntless spirits, who would peril more for equality, liberty, and constitutional government. But they have fallen—they live now but in the memory of their friends. The treachery of a despot, a heartless tyrant, has sunk them low in death; but there lives a spirit in the bosom of every patriot in this Union ready to do homage to that holy love of liberty, that induced them to abandon home, quiet, and enjoyment, to aid their suffering friends in a struggle against oppression.

Of one of those gallant men, whose fate is involved in so much mystery, I would speak more particularly; I mean Colonel Fannin. Sir, he was my friend in infancy, my companion at school, and though opposed in our political course in our native State, (Georgia,) let my charitable office thus publicly, whether he be living or dead, bear testimony to his moral courage, his manly bearing, and elevated feeling, in his intercourse with all. That he was fearless, none can doubt; that he was generous, all can attest who knew him; and that he has fought for liberty and conscience, and not for plunder, let the history of Texas for the last five years decide. Sir, I will say no more. My object was not to eulogize men, but to defend their gallant acts from the imputations thrown upon their motives by gentlemen on this floor. Had I remained silent, I should have felt as if I was pursuing a cold and calculating policy, as cold as I have been induced to think influenced some honorable gentlemen in opposing every measure that originates in this House having the slightest reference to the condition of Texas.

But, sir, the danger we have to dread is not from Santa Anna alone. It may be that while we may avoid any collision with him, every gentleman, the least conversant with Indian character, is perfectly apprized of the influence that the war now in Texas may have on all the Indian tribes in that quarter. When the work of death once commences, no matter by whom or how, the first breeze that bears the scent of blood inflames their passions, and, regardless of consequences, they straightway engage in the contest on the one side or the other. Let the war become general with your Western Indians, and I greatly fear that the treasure of which so much has been said will not be adequate to the pressing demands of the public service. But it is not on your Western and Southwestern frontier that your citizens are alone exposed to savage cruelty. Look to Florida; already you have appropriated about two and a half millions for the prosecution of that war, and the first effectual blow is yet to be given for its suppression. We all know that the tomahawk is seen gleaming in that quarter; savage ferocity is yet unsubdued, and your army has been compelled to seek summer quarters, in a healthy situation, in order to avoid, in some degree, the diseases of that climate. Vegetation has long since put forth, concealing the approach of the red man, who lies concealed in ambush for a favorable opportunity to attack, without incurring much danger. Not only this, sir, but there is a peculiarity in the face of the country rendering any effort, in the summer season, to subdue the Seminoles difficult and uncertain. The low lands, the interminable swamps of that country, afford ample security to the native Indian; his habits of living being plain and simple, are easily supplied. Under such prospects, who can say when hostilities in that quarter are to end? But, above all, who will undertake to mention the sum of money that will be expended in that contest? Nor is it in Florida alone that indications of the most alarming character are becoming daily more manifest. Look to the Creek Indians in Alabama and on the frontier of Georgia. A tribe, not contemptible in numbers, with all the feelings of restless discontent, in the midst of whom is scattered here and there your own citizens, unprotected by military force. Instigated, as those Indians doubtless will be, by the failure of the Florida campaign, to acts of cruelty, can we but foresee in all this abundant cause to preserve untouched the sinews of war? Are we to divide the last dollar in your Treasury, when the next mail from the South may tell you that thousands of the Creek Indians are imbodied and in the field, spreading desolation far and wide? Should a war break out with the Creeks, of which I can have but little doubt, will gentlemen tell me how many millions it will take to put them down and remove them to the West? Not like the Seminoles, few and weak, the Creeks number, perhaps, not less than five thousand warriors. Such force, with concert of action, will desolate the whole of the country now occupied by themselves and the whites in common, before efficient aid can be called to check them.

But there is another demand upon your treasure that cannot be longer postponed, without a total disregard of the obligations of the Government to one of your States. Let it not be forgotten, that, as far back as 1802, the Federal Government entered into certain stipulations for the removal of the Indians within the limits of Georgia, so soon as the same could be done peaceably. In consideration of this compact, Georgia ceded to the Federal Government an immense tract of country. I will not say how that promise has been redeemed, but I will say that it has been permitted to rest, and to slumber, until the present administration has succeeded in effecting two treaties, the last of which is now before the Senate for ratification. It may be, sir, that the fate of that treaty is known to gentlemen, and that the sum of five and a half millions that it provides for the payment to the Indians for their country is to be divided among the States, and the rights of Georgia to the quiet possession of the Cherokee lands is still to sleep; but I hope that question will soon be settled; and if so, gentlemen will perceive that the demand upon your Treasury, arising from that and other Indian treaties, will not fall far short of $8,000,000.

Nor is it alone, sir, the indications of approaching difficulties on our own continent that admonish us both to prepare, by a wise and judicious plan of public defence, and by a prudent saving of our treasure, but the leading Powers of the old world occupy, at this moment, a position full of interest to us. I believe that a contest between Russia on the one hand, and England and France on the other, is not far distant. Should such a contest arise, who can foresee its influence upon this continent? Who will undertake to say, in such a fearful conflict, what additional force to our navy may become necessary, in order to enable us to protect our commerce, and to preserve that neutrality which has been and will doubtless continue to be the policy of this Government? Whenever the period shall arrive that these great Powers of Europe shall engage in a war, when the principles involved are constitutional government on the one hand, and unlimited dominion on the other, no one can foresee the period of its termination, or its influence on the policy

of every commercial nation on the globe. One thing strikes me as recommended by every prudential consideration for our own safety, happiness, and prosperity: that we should look well to all the means necessary to put our navy on a respectable footing, to be able to assert and maintain the just rights of a neutral Power; but this cannot be done, if we unwisely distribute the means of doing it. I have, Mr. Chairman, detained the committee longer than I had intended, in showing that it was our first duty to provide for the public defence; secondly, in demonstrating that there would not be a permanent surplus revenue; and, thirdly, if there should, we were, for the reasons which I have presented to the consideration of the committee, admonished to husband up that surplus to meet any sudden crisis of which I have given the indications.

Mr. Chairman, I must now invoke the indulgence of the committee for the time I shall consume in offering some considerations in answer to a certain portion of a speech delivered to the committee on the naval appropriation bill by the honorable gentleman from South Carolina, [Mr. Thompson.] I had intended to have answered, as far as I was able, several grounds assumed by that honorable member, but being unable to obtain the floor until many gentlemen had addressed the committee, some of whom, and particularly my honorable friend from Virginia [Mr. Garland] have very fully answered the prominent arguments advanced by that gentleman, I shall confine myself to a few of his remarks, which either have escaped the attention of those who have preceded me, or have not been so fully replied to as I believe they should be. The honorable gentleman reminded the committee "that the President of the United States was rapidly passing from the stage of public action, and is about to assume his station in history." The honorable gentleman "would not anticipate what that station would be; he felt that he was not an impartial judge." Sir, I noticed this remark of the honorable gentleman, not for censure, but to return him a similar acknowledgment of the gratitude which I, in common with all the friends of the President, must feel in this manifestation of generous forbearance, by withholding that which was so completely in his power to do. Sir, had the honorable member "have anticipated that station in history" which the President is to fill, can any one who knows that honorable member have doubted but, in despite of fate, that station, and that alone, would have been the one which the President would fill? Sir, for this charitable forbearance, so worthy the heart and the head, let the honorable member receive a nation's gratitude. Future historians may now assume their office, the faithful chronicler of an after day may now venture to tell posterity "the station in history" the President of the United States did fill, but surely none would have dared to have done so, had that station been "anticipated" by the honorable member.

The gentleman from South Carolina, next in the order of his argument, presented a table containing the various estimates from the different departments, upon which bills have been reported. The avowed object of this table was to exhibit to the people of this Union the gross inequality of the public disbursements, and to show that now, as the gentleman contended, as through all past time, there had been a certain favored section of the country that had shared all the bounties and protection of the Government. The gentleman seemed to place great reliance upon the results, as exhibited by his table, and broke off, on a sudden, with all that honest indignation that naturally arises in a sensitive bosom upon the detection of stupendous fraud, into a eulogy upon the patriotism of the South and West; spoke most handsomely of their attachment to the Union, but availed himself of the opportunity to give notice that his table had exhibited "appalling facts, that deserved the consideration of the South and West;" and that, if the system which his table had exposed was to become the settled policy of the country, that you would thereby "announce that this Government is one which no man from the South or West could desire to perpetuate, but one who was born to be a slave, and deserved his destiny."

Such language excited in my mind the most lively apprehension that there really existed some permanent, fatal, alarming inequality, grossly unjust, and calling for prompt and efficient correction. And with the view of examining a question of so much moment, started by the gentleman's famous table of alarm, as if the gentleman had aspired to no higher object than to frighten himself, and set to a new tune sentiments that have been chanted for a long time from a certain quarter of the Union, he divides our maritime frontier into as many divisions as was a certain army of late, calling one the north Atlantic, including in that division Virginia and Maryland, and the whole of the Middle and Eastern States; another the south Atlantic, and the remaining division the Gulf of Mexico. By this division the gentleman from South Carolina made a fine display in figures of the inequality of the present appropriations. But, sir, was the gentleman dealing fairly with his own intellect? Was he dealing fairly with the Old Dominion, when he thus attached her to the North? The better to enable him to alarm himself, unless the honorable gentleman has succeeded in proving what no one ever before pretended to assert, that Virginia and Maryland are Northern States, he has utterly failed in establishing what he promised to show, the gross inequality in the disbursement of the public funds in the north Atlantic. I am willing to admit that the honorable gentleman could come as near proving, either by figures or by argument, that Virginia was a Northern State, as any gentleman on this floor. Yet, sir, I should have thought a recollection of a small incident that occurred within the last four years, between the States of South Carolina and Virginia, would have protected the latter from being so unceremoniously attached to the North, "that favored section" of the Union, for no other apparent purpose than to furnish the gentleman with a "fact," from the aid of which he was so triumphantly to expose the injustice and inequality of the public expenditures.

Mr. Chairman, I will now call the attention of the committee to some further remarks of the honorable gentleman from South Carolina, [Mr. Thompson,] which, in my opinion, furnish many considerations of both a painful and instructive character. And, sir, that I may avoid even the suspicion of doing the slightest injustice to the gentleman's argument, I will give that portion of his speech to which I advert.

The gentleman goes on to say:

"There are practical plans of disposing of the surplus, if gentlemen will conquer all their personal and party prejudices, and pass the land bill, and the constitutional amendment for the distribution of the surplus revenue. These are, in my judgment, the only practicable projects, and I rejoice in my heart that they come from those two great minds which have for the last twenty-five years so gloriously illustrated the history of their country. In the present, as in every past crisis of danger and difficulty—the war, the Missouri question, the compromise—two commanding figures have been seen above the horizon, with the eyes of their countrymen intently fixed upon them, with a well-placed confidence which has never been disappointed. These men are out of power, or my voice should not be heard here in their eulogy. Sir, the expunging process must be carried very far; you must expunge the history of your country for a quarter of a century; you must tear from that history its brightest pages; ay, sir, and you

must expunge from the human heart every virtuous and honorable sentiment, homage for genius, gratitude for public services, before their well-earned laurels can be torn from their brows. They will have added another to their many claims upon the gratitude of posterity, if they can succeed in relieving the country from the great danger of an overflowing Treasury— a difficulty for the first time known in the history of the world.

Such, Mr. Chairman, is the language of the honorable gentleman, and, coming from him, is entitled to a consideration which such sentiments would not otherwise receive from me. It will be my purpose to examine why it is that these "commanding figures" have appeared in our political horizon at every important crisis for the last twenty-five years, and to show, as the heavens give unerring indications to the mariner of the approaching storm, so when these "commanding figures" appear in our political horizon, the friends to our political institutions should prepare for the threatening tempest. Sir, I might content myself with the expression of the great surprise I felt at this open, undisguised, and public avowal of a conviction which I had supposed had been the settled policy of the honorable gentleman's "much calumniated party," as he calls it, to conceal. But, coming from him under the circumstances, gives to the disclosure a claim of authority which no subsequent disclaimer can impair. The American people are no longer to be misled. They are no longer to indulge in idle speculation as to the motives and designs of these "commanding figures" that appear at every important crisis. The honorable gentleman has avowed their connexion, and that avowal has been made in an American Congress. It has been circulated through the Union, and the gentleman rejoices in his heart that the project of the distribution of the surplus revenue by the land bill and the constitutional amendment "came from those two great minds that have so gloriously illustrated the history of their country."

Sir, I cannot envy the gentleman in the joy he feels in the contemplation of the fallen and ruined condition of his friend. That friend, so long as he adhered to the principles of his own particular creed, might have commanded the respect due to consistency; might have claimed homage for genius, and admiration for firmness; but connected as he has been by the gentleman from South Carolina, with such extraordinary boasting of joy, would deprive him of the common charities of private friendship in his greatest extremity. Sir, let no gentleman complain at a review of the political course pursued by these distinguished Senators, [Messrs. CLAY and CALHOUN.] Should I say any thing seemingly unkind, my answer is, that the honorable member from South Carolina [Mr. THOMPSON] has forced that necessity on me by the position in which he has placed them before this committee and the nation. The fault is his, not mine. It will be remembered that those great minds, who "have adorned every page of our country's history," are brought before us as the authors of the only practicable plan of disposing of the surplus revenue. We are said to be in imminent danger from an accumulation of public treasure; a circumstance unheard of in other Governments, and without a parallel in the history of our own. Is it true, or is the assertion made to subserve the ends of some great political movement? I have attempted, and I hope satisfactorily, to show that there was no such surplus revenue. If, sir, the land bill of the Senator from Kentucky should become the law of the land, you would divide about twenty millions within the short period from the 1st of July to the 1st of October next, and twenty millions more by the 1st of April next, under certain conditions. How, then, sir, can any man doubt but that your treasure would be exhausted, that the country would be involved in a heavy debt, not only divested of the means of extending to our citizens adequate protection, but absolutely deprived of the means of meeting the ordinary and current expenses of the Government? Does not every gentleman foresee that, with an exhausted Treasury, with pressing demands from the South and Southwestern frontier, for the military arm of your Government, to protect your citizens from the cruel butchery with which they are threatened from the merciless savage, that the financial policy of the Government would necessarily change? Does not the Senator from Kentucky well know that such a state of things would renew his favorite American system; a system of which he is the reputed father; one that he has watched, cherished, protected, and defended, with parental tenderness, from its infancy to manhood; from manhood to that wicked old age, when its depravity became so appalling, that its friends and enemies, by common consent, gave it out that it should be buried in the compromise, there to remain until the bidding of some master spirit should call it forth? And, sir, has not that time now arrived? And is not the disgusting scene presented to our view, that he who would have felt himself dishonored [Mr. CALHOUN] to have done the charitable office of pall-bearer to the lifeless corse of the American system, is now to be seen in our political horizon, associated with Mr. CLAY, bidding this spirit of discord ascend, that they may conjointly welcome its coming? Should that system be again renewed, no matter by what means, as the settled policy of this Government, the first day it shall be proclaimed would be the last day of this Union. Sir, it is not my habit to think or speak unkindly of the motives of others; but thoroughly am I convinced, that if the projects of those distinguished Senators should succeed, the effect would be first to overwhelm the Government by a national debt, then to agitate the people, and finally to convulse this nation from one border to the other. And if, to avert such direful results, I should be driven to the necessity of presenting facts showing that the Senators from Kentucky and South Carolina are each pursuing a course disastrous to the best interests of the people of these States, and alone calculated to advance their own ambitious projects in any after contest that may arise, I shall feel, sir, that I have discharged the highest obligations I owe the institutions of the country, to my own conscience, and to my constituents. How instructive the example furnished us! How replete the life and history of these great men of useful admonition to the aspiring ambition that but too often lies deeply buried, but not dead, in the bosom of the disappointed politician! Sir, the Senator from South Carolina rose with a lustre commanding the admiration of all. With genius unsurpassed by any, with the confidence of the people, generous and confiding, his first movement was such as became the proud soul and elevated patriotism of an American statesman. That move, just twenty-four years ago, was on the side of his country. At that gloomy period, when British outrage upon the commerce and rights of our citizens left no alternative but the resistance that became a free people, or a submission to flagrant injustice that would have dishonored us before the world, the friend of the gentleman from South Carolina was seen to take his stand in the midst of the patriot statesmen of that day; and with a spirit truly American, with eloquence almost unsurpassed, with the powers of his great mind, urged on his countrymen to a vigorous, manly, and bold resistance to foreign aggression. Sir, a recollection of this period should never be forgotten by the friend of the gentleman from South Carolina. It may yet serve to teach him, great as he is in mind, rapid as was his march to distinction and station, that there is a vast difference between devotion to his country and devotion to himself. It may serve to admonish him that there exists in this

Union an American feeling not less ready to pay homage to public service, than to arrest the wild progress of infuriated passion and inordinate ambition; that whilst it will honor the one, it will assuredly rebuke and punish the other.

But, sir, to pursue this "commanding figure," the friend of the honorable gentleman from South Carolina, we find him both advocating and voting for the tariff of 1816. Whatever apology the peculiar condition of the manufacturing interest at that day furnished for the vote he then gave, I apprehend none will pretend to deny that in this act was planted the principles of that fatal American system that grew so rapidly, and exercised such alarming influence over the industry and products of labor, that the firmest patriots and most devoted friends to the Federal Government could but look to the gathering storm with feelings of the most anxious concern. In the winter of 1828, the Legislature of South Carolina entered their protest against the tariff, a paper uniformly ascribed to the pen of Mr. Calhoun, and containing this distinct annunciation as to the relative powers of the States and Federal Government: "The General Government is one of specific powers, and it can rightfully exercise only the powers expressly granted, and those that may be necessary and proper to carry them into effect, all others being reserved expressly to the States or to the people." That this is a fair exponent of the doctrines of South Carolina in 1828, is not conjectural, but is part of the recorded history of your legislation; and that the document containing this doctrine has been uniformly ascribed to Mr. Calhoun, was never denied, so far as I know and believe. And I may add, that, in my poor opinion, language cannot be found conveying with greater precision and more absolute accuracy the true theory of our Federal and State Governments, than the quotation I have made.

Sir, this was the settled and well-established doctrine of the South Carolina statesmen, and particularly of Mr. Calhoun, up to and until after May, 1830. It was about that unfortunate period, when disclosures were made by Mr. Crawford to General Jackson of a particular course pursued by Mr. Calhoun whilst a member of Mr Monroe's cabinet, in relation the conduct of General Jackson in the Seminole campaign. The opinion I entertain of Mr. Crawford's conduct in making a disclosure of the cabinet secrets, is not called for; but I may say—and in thus expressing myself, if I am capable of expressing one sincere sentiment, it proceeds from my heart—that I have always regretted, that I deeply deplore, that unnecessary, uncalled for, and most unhappy rupture, which was the consequence of the communications of Mr, Crawford. From that fatal period, every movement, every political act of Mr. Calhoun, has been characterized by a display of vindictive feeling, alike dangerous to himself and to his country. Mark, sir, in the short period that intervened between his breach with General Jackson and the issuing of his famous "exposé," the rapid progress, the wide-extended and alarming range of discontent, that pervaded every portion of the South, where his influence could be exerted; but, above all, note the doctrine asserted and maintained in that exposé. No longer did we hear the true doctrine in relation to the Federal and State authorities, as asserted by the Legislature of South Carolina in 1828. It was then the fashionable, the received, the cherished doctrine, that each State was within itself absolutely sovereign and independent, and he who could not subscribe to this faith was, at home and abroad, denounced as a vile "submissionist," either incapable of understanding or otherwise too timid to assert his rights. Sir, is it not strange that Mr. Calhoun, with acknowledged powers of intellect, whose life, almost from boyhood, had been devoted to the public service, whose habit of study and pursuit of business had led him to a thorough and intimate acquaintance, not only with the constitution and the practices of the Government created by that constitution, but with the opinions of all those apostles of liberty whose writings and principles have been the boast of all true patriots, and honored by the heartfelt gratitude of millions of freemen, should all this time have been groping in the dark, and never have discovered, until after his rupture with General Jackson, the true principles of the constitution, the true relation between the Federal and State Governments.

Look, sir, at the course of events in a certain portion of the South, from May, 1830, to the summer of 1832. The people that had once been quiet, happy, and contented, devoted to the Union, devoted to the institutions of the country, suddenly assuming an attitude alarming to the integrity, the peace, and happiness of the whole nation. I must not say what master spirit directed the storm. It is a part of the history of your country. From discontent to remonstrance, from remonstrance, whole regiments were armed, organized, and prepared to march at a moment's warning to assert, in a most "peaceful and constitutional manner," the unconstitutionality of the tariff law. Yes, sir, it was then the motto of the party attached to the interest of Mr. Calhoun, in South Carolina, "millions for defence—not one cent for protection." All this, not until after that fatal feud between Mr. Calhoun and General Jackson, in which collision, hope and expectation long cherished for the first office in this nation suddenly vanished, and this "commanding figure," in receding from his position with his party, could but behold the rising form of another greater than himself, [Mr. VAN BUREN.] This was more than the proud spirit and feverish aspirations of the distinguished Senator from South Carolina could endure. From that moment he resolved that it should be sooner written of him, "that he was," than he should live unavenged for his sudden and unexpected reverse in the tide of fortune. And never did man prosecute with more unrelenting zeal the idol of his ambition than Mr. Calhoun. Sir, with what perfect facility he abandons one system of principles, and adopts others; to-day, denouncing the principles of the protecting system—to-morrow, greeting with a hearty welcome the friends, nay, more, the father of that system; to-day, the able and eloquent advocate on the floor of Congress of the rights of minorities; but yesterday, at home in the bosom of his community, crushing beneath the iron hand of despotism the most sacred of all the rights of minorities—the rights of conscience.

Such, Mr. Chairman, is a brief history of the eventful period between May, 1830, and the action of Congress in 1833, in which the Senators from Kentucky and South Carolina played that part which drew forth the eulogy of the honorable gentleman, [Mr. THOMPSON.] And, sir, I ask this committee and the nation, what was the respective parts of each, and the credit due them, for the settlement of that deeply absorbing question? Will this committee refuse, or will the nation refuse, to hear the testimony furnished at that important crisis by the Senators from Kentucky and South Carolina? Let it not be forgotten that the broad ground assumed in the whole controversy in the South, in which Mr. Calhoun took the lead on one side, was, that a tariff of protection was unconstitutional, and that the act of 1832 was for the avowed purpose of protection to our own manufactures, as well as for revenue, and, therefore, unconstitutional, null and void, and of no binding influence upon the people of the States. The Senator from Kentucky, [Mr. CLAY,] uniformly maintained the reverse of this doctrine. And, sir, it was with principles so directly opposite, that the two great statesmen, and, in the language of the honorable gentleman from South

Carolina, [Mr. THOMPSON,] "those two great minds which have for the last twenty-five years so gloriously illustrated the history of their country," took their position in the Senate of the United States for the purpose of settling this great question. Now, sir, arises an important inquiry, that every man in the United States should understand; what was the course that consistency demanded of each of these great minds, on this great occasion? Would it occur to any that, for the purpose of settling this question, there would be a total abandonment of all principle on the one side, and no sacrifice of principle on the other? How was a compromise to be effected between such talented and incorruptible patriots? Why, sir, from the position of the Senator from South Carolina, "that millions for defence, but not one cent for protection," one would have supposed his object would have been to have pursued, as far as possible, his principles; for, if true to himself, and the principle of protection was preserved in the compromise bill, the obligation of his oath, as Senator of the United States, would have constrained him to have voted against all measures not authorized by, or in violation of, that instrument. But, sir, the remaining inquiry is, did Mr. Calhoun vote for the tariff act of 1833? And does that act contain the principle of protection? That he did vote for the bill the journals establish. That it does contain the principle of protection is as fully and distinctly admitted by the act itself, as if it had been written in so many words on the face of the bill. But I will not stop the proof at this. I will introduce the testimony of Mr. Clay, which will appear from the following portion of his speech, delivered at the same time and on the same memorable occasion of the compromise. Mr. Clay says: "Pass this bill, tranquillize the country, restore confidence and affection in the Union, and I am willing to go home to Ashland, and renounce public life for ever." The Senator from Kentucky must have been quite sincere, when, for the sake of passing the tariff, he would abandon public life for ever. The bill passed, and how Mr. Clay has renounced public service let the journals of the Senate speak.

It may be that he has kept this promise to the spirit, by confining his action to what he may consider private, rather than "public service." But, sir, I am quite sure he never feft a deeper concern in the success of any measure than in that of the bill he was then advocating; and therefore his reasons, the motives that operated upon him, and the important disclosures he made, urged with all his transcendent powers of persuasion, are entitled to very grave consideration in settling the pretensions of different gentlemen for the project that was to restore the just rights of the South and the North, and to tranquillize the public mind. Mr. Clay says, in his speech, 25th February, 1833, on the tariff, "The friends of free trade insist that duties should be laid in reference to revenue alone. The friends of American industry say that another, if not paramount, object, in laying them, should be to diminish the consumption of foreign and increase that of domestic products. On this point the parties divide, and between these two opposite opinions a reconciliation is to be effected, if it can be accomplished. The bill assumes, as a basis, adequate protection for nine years, and less beyond that time."

"The friends of protection say to their opponents, we are willing to take a lease of nine years, with the long chapter of accidents beyond that period, including the chance of war, the restoration of concord, and along with it a conviction, common to all, of the utility of protection; and, in consideration of it, if in 1842 none of these considerations shall have been realized, we are willing to submit, as long as Congress shall think proper, to a maximum rate of twenty per cent., with a power of discrimination below it, cash duties, home valuations, and a liberal list of free articles for the benefit of the manufacturing interest." Mr. Clay, in the same speech, says: "That it is far from the object of those who support this bill to abandon or surrender the policy of protecting American industry. Its protection or encouragement may be accomplished in various ways." And then proceeds to point out the different modes of protection; and, finally, Mr. Clay uses this emphatic language:

"Now, Mr. President, before the assertion is made that the bill surrenders the protective policy, gentlemen should understand perfectly what it does not as well as what it does propose." This is the testimony of Mr. Clay to two points, important in themselves, fully establishing the fact that the act of 1833 was supported by the friends of the American system, but upon the broad ground that the bill recognised and fully asserted the principle of absolute adequate protection for nine years; and, secondly, carried with it the long chapter of accidents beyond that period.

Sir, these opinions were made in argument; were they ever denied? Did the Senator from South Carolina [Mr. Calhoun] rise in his place, and deny that the bill contained the principles against which he had rallied the South? Yes, sir, not rallied, merely, but had urged them on until their feelings were lashed into such excitement, by the repeated denunciation of the oppression and unconstitutionality of the tariff, that law, order, and Government, were on the verge of ruin. And yet, Mr. Calhoun himself, believing, as he has professed to believe, that the tariff of 1832, with the same principles in 1833, was against the constitution, not only votes for the act of 1833, but says: "When the Senator from Kentucky first introduced the bill, he (Mr. C.) then said that he approved of the principle, and that he thought no satisfactory adjustment could take place but on time—time to afford the manufacturers to accommodate their business to the change which must follow the adjustment of the duties. He still remained of the same opinion." Sir, it should be well understood and distinctly known, the part that these "great minds" played, not only at the compromise, but before. The one, the author of a system; the other, first its advocate, then its enemy; and finally, when he had a personal difficulty with the President of the United States, and saw and felt that he no longer deserved or could safely calculate on the support of the entire party attached to the administration, he avails himself of the discontent prevailing on the subject of the tariff in the South, asserts its unconstitutionality, prepares the mind of his constituents to resist the enforcement of the law within the limits of his State, peaceably if they could, but forcibly if necessary; and then, in the face of the world, meets Mr. Clay in the Senate, Mr. Clay maintaining boldly the bill was for adequate protection for nine years, with a long chapter of accidents, and Mr. Calhoun responding. When the Senator from Kentucky first introduced the bill, he (Mr. C.) then said "that he approved of the principle." I leave these facts to speak for themselves. If any man on earth requires more proof to establish upon these "two great minds" political juggling, political intrigue, for purposes of the most unholy ambition, he need not expect to find it in the review of the life of political men, men who stand pre-eminent for ability, and who weigh the effect of every movement before it is taken. Look, sir, at the great prize for which "these great minds and commanding figures" have been running. Why, I need not here repeat, what every intelligent citizen of the Union knows, that it is nothing more nor less than the executive seat that has operated upon and directed every political movement of their lives; and so powerful has been the charm, that one of the gentlemen has made

two indifferent runs before the people; the other was announced as being ready to make a trial, but was discovered not to have sufficient strength to start. And, sir, can it be a matter of surprise that, true to their purpose, each in his own way taking his course, every consideration of the public interest, safety, and happiness, is to yield to their purposes; or, in conformity with their settled plan of operation, they will crush and destroy whatever obstacle, be it man or be it principle, that may interpose the slightest obstacle to their attainment of this object?

I shall not, Mr. Chairman, add much more to what I have said in relation to the political course of the gentlemen who were presented to the committee as the authors of the only practicable plan of disposing of the public revenue. I have shown enough to deter any prudent man from following their lead on this subject. But there is yet more to be said, calculated to shed additional suspicion upon the whole plan, and to prove that the opinion of one of the gentlemen [Mr. Calhoun] has undergone a rapid and extraordinary change since the time of the compromise; about that time Mr. Calhoun thus expressed himself: "There is another aspect in which this subject may be viewed. We all remember how early the question of the surplus revenue began to agitate the country. At a very early period, a Senator from New Jersey [Mr. Dickerson] presented his scheme for disposing of it by distributing it among the States. The first message of the President recommended a similar project, which was followed up by a movement on the part of the Legislature of New York, and I believe some of the other States. The public attention was aroused; the scheme scrutinized; its gross unconstitutionality and injustice, and its dangerous tendency, its tendency to absorb the power and existence of the States, were clearly perceived and denounced; the denunciation was too deep to be resisted, and the scheme was abandoned." This is the language, this the deliberately formed and expressed opinion of Mr. Calhoun on the subject of the distribution of the surplus revenue, within the short period of three years. And could any gentleman believe that now, at this moment, in the face of this recorded opinion, he has introduced, is advocating and urging, an amendment of the constitution for the avowed purpose of establishing the very scheme which he said "had been scrutinized, its dangerous tendency, its tendency to absorb the power and existence of the States, clearly perceived and denounced," and so strong that denunciation, that the scheme had been abandoned? One of two conclusions is irresistibly forced upon the mind: either that there is some splendid project to be accomplished, favorable to the views of himself and Mr. Clay, or else, if it has been an honest change of opinion, he is an uncertain, unsafe, vacillating pilot, not to be trusted in a tempest—under any aspect of the case, he stands contradicted. And whether the opinions then expressed, and now entertained, are to regulate his action on the subject, is beyond the reach of human wisdom. Then, sir, let not the honorable gentleman from South Carolina array this "commanding figure" and "great mind," as one worthy to lead in the accomplishment of this project, which I firmly believe "would absorb the power and existence of the States;" and believing that to be the inevitable effect, I shall, for that reason and others, resist as far as I can any measure, from any and every quarter, the effect of which would be so disastrous to the existence of the States. Allow me, Mr. Chairman, to notice one other consideration arising out of the remarks of the honorable member from South Carolina. It has been a contested point with some portion of the people of the South, as to whom was entitled the credit of settling the tariff question, on the principles of the compromise. I have heard it said by some, that the honor of that settlement belonged to the party of the Senator from South Carolina, and upon that Senator's course. Sir, I am not ambitious of claiming the honor for any friend. There is no principle in the famous compromise that is better than the act of 1832. It is true that it is a modification, some reduction; yet it contains some features of a most hateful contrivance, and so artfully adjusted, for the interest of the manufacturer, that with many practical men it is believed to be as favorable as the act of 1832. But, sir, be the credit great or small, it is neither due to Mr. Clay nor Mr. Calhoun; and to that point I will again refer to the testimony of Mr. Clay, as given to the nation, in his speech of 25th February, 1833. Mr. Clay addressed the Senate as follows: "Mr. President, I want to be perfectly understood as to the motives which have prompted me to offer this measure. I repeat what I said on the introduction of it, that they are first to preserve the manufacturing interest; and, secondly, to quiet the country. I believe the American system to be in the greatest danger, and I believe it can be placed on a better and safer foundation at this session than at the next. I heard, with surprise, my friend from Massachusetts say that nothing had occurred within the last six months to increase its hazard. I entreat him to review that opinion. Is it correct? Is the issue of the numerous elections, including that of the highest officer of the Government, nothing? Is his declaration, in his proclamation, that the burdens of the South ought to be relieved, nothing? Is the introduction of the bill in the House of Representatives during this session, sanctioned by the head of the Treasury and the administration, prostrating the greater part of the manufactures of the country, nothing?"

"It is well known that the majority of the dominant party is adverse to the tariff. There are many honorable exceptions, the Senator from New Jersey [Mr. Dickerson] among them. But for the exertions of the other party, the tariff would have been long since sacrificed. Now, let us look at the composition of the two branches of Congress at the next session. In this body we lose three friends of the protective policy, without being sure of gaining one. Here, judging from the present appearances, we shall at the next session be in the minority. In the House, it is notorious that there is a considerable accession to the number of the dominant party. How, then, I ask, is the system to be sustained against numbers, against the whole weight of the administration?"

Mr. Chairman, if the declarations of Mr. Clay are authority on any question, and I am sure none will pretend to deny it, he has placed the whole question of the reduction of the tariff on a footing the most flattering to the administration. Yes, sir, it was the unremitting efforts of the President to arouse the people in every quarter of the Union to a proper view of the rights of all, that had a moral influence upon public opinion, irresistible, and tending directly to bring into Congress those representatives who would give efficient aid to his administration in carrying out his opinions in relation to the tariff. Unfortunately for the country, when the strength of the administration was nearly, if not quite, sufficient to carry the measure reported from the head of the Treasury Department, a measure which Mr. Clay says would have prostrated the greater part of the manufacturing interests, Mr. Clay and Mr. Calhoun conceived the project of forming an alliance, and instead of Mr. Calhoun's advocating the principles of the bill reported from the Treasury Department, he prefers to unite with Mr. Clay in his project, thereby deserting the interest of the South for the noble and patriotic motive of depriving the administration of the credit of settling this great and fearful question. But, fortunately for the age and the country, Mr. Clay has placed it

fairly before the world, and the honor wil be, as it should be, awarded to the faithful and deserving.

There is, Mr. Chairman, one other connexion in which I desire to notice these "commanding figures." I cannot but look back to the commencement of this Congress, when expectation, deep and intense, pervaded every part of our country on the subject of our relations with France; nor can I suppress the feeling of surprise I have always felt that Mr. Calhoun and Mr. Clay, who so triumphantly maintained, in the councils of their country, the honor of the nation in 1812, should, at this day, be willing, through the person of the Chief Magistrate, to inflict a stain upon our national escutcheon, by withholding from the Executive that aid he had a right to expect from every patriot, when the honor of the country was involved. The man in this nation that would for one moment hesitate, when the absurd pretension is put up by a foreign Power, that, for language used in a communication to Congress, they have a right to demand explanations as a condition to the performance of a treaty stipulation, must have lost all that elevated, ardent, and patriotic devotion for the honor and character of the nation that would characterize the man who, in the hour of peril, would be on the side of his country.

Mr. Chairman, having shown the present condition of your Treasury, its probable condition for the next two or three years, (to say nothing of the rapid decrease that must suddenly ensue under the operation of the tariff, that hangs suspended for years, yielding up but a tenth per annum until the appointed period, when it suddenly falls six tenths of the excess, over twenty per cent. within six months,) having shown the causes that will most certainly produce a decrease for the years of 1836 and 1837, and, perhaps, for after years; having shown the revenue from imports as well as from the sale of public lands; and having also shown the part now playing by those "commanding figures" and "great minds" in relation to the revenue, I shall now call the attention of the committee to the argument of the honorable member from Tennessee, [Mr. BELL,] with a view to prove that it must have been his opinion, so far from there being a surplus revenue, that if the system of public defence, as recommended by the President and the heads of the Departments, should become the policy of the nation, your resources would be exhausted, and the financial operations of the Government changed.

The honorable member from Tennessee, in his printed speech, says: "The first inevitable result of this policy, (alluding to the system of defence now under consideration,) if it shall be sanctioned by Congress, will be the introduction, in a short period, of an increased and oppressive system of taxation." The honorable member further says: "That the public lands are now in such a rapid state of exhaustion, that very soon we shall find our revenue from this quarter reduced to a million or less."

Sir, I trust, with at least a portion of this House and the people of this Union, the warning voice of that distinguished gentleman will not be disregarded. He has told us what would be the consequence of that system of defence which this administration has not recommended, which no gentleman, so far as I know, has proposed, and which no friend of the measures of the President would support. Whether it was his policy, in imitation of the example set by the member from South Carolina, to make a statement of the amount of public expenditures for extraordinary purposes, so large that he might become alarmed himself, and, in the office of true charity, frighten his friends and followers, I neither do say nor pretend to allege. But it may be said, and I undertake to maintain, that there is no system of public defence recommended by the President, or any portion of the friends of this administration, whereby an expenditure of ten millions per annum is proposed to be voted, as imagined by the gentleman from Tennessee.

Sir, the utmost limit, upon the largest scheme, as proposed by any and all the Departments, would not far exceed one half of the amount laid down by the gentleman. If, then, I am not mistaken in this view of the case, I may claim the authority of the gentleman's name against the wild and dangerous project of distribution, as well as the system of defence which he supposes to be acceptable to the administration, and still save the system, which has been actually proposed by the party supporting the administration, from all the censure and odium so unsparingly heaped upon it by that gentleman and others.

Sir, that honorable member should have well deliberated, he should have well considered the ground he has himself so long occupied before the American people in reference to the measures of this administration, before he ventured forth in a crusade, which could only be intended to tear down the very principles he had contributed so much to build up. The gentleman should have remembered that there are blows to receive as well as to give; and that, however pacific and forbearing are those whose pleasure it once was, as it still would be, to act with him on all important measures connected with the administration of the Federal Government, still they have feelings, rights, and principles, which they cannot suffer to be lashed, either by an open enemy or by pretended friends.

Sir, in the honorable gentleman's own language, I desire not to be misunderstood before the committee or elsewhere. My purpose is to do precisely what the gentleman himself desired should be done: to answer the points he has raised, to meet the charges he has preferred, without evasion. In the little I shall say I shall avoid so much of the argument of the honorable member from Tennessee as was answered, and most triumphantly, in my opinion, by my esteemed friend the honorable gentleman from Virginia, [Mr. GARLAND.] I will not attempt to occupy ground taken by him. To do so would weaken, rather than strengthen, the view presented by that gentleman. Nor do I regret that my friend from Virginia has preceded me, for his effort has left but little for me to do. My purpose, however, will be, with the utmost spirit of kindness, and with the full conviction of my own weakness, to throw myself upon the ground taken by the gentleman from Tennessee, [Mr. BELL,] and with whatever knightly grace I may possess, as one of "the party," to receive the lance hurled from his able arm; consoling myself, that if I should not be able to return the blow, I shall at least command his respect for taking a position so full of danger to myself. Mr. Chairman, should the opinion entertained by the honorable member from Tennessee be correct as to the result of the system of defence proposed by the administration upon the revenue of the country, then, sir, his friend from South Carolina is wrong in supposing that system a "miserable quackery," so far as regards the absorption of the revenue. By way of illustration, the former gentleman was showing that the system of public defence must be arrested. And what, sir, was his reason? Why, "that although the system might be proper in itself," yet that you had not the money to carry it on; while the latter gentleman tells you that you "must distribute, because, by an expenditure for the purposes of defences of ten or twelve millions per annum, you will not only not be able to expend the surplus, but it will continue to accumulate."

Now, sir, I cannot undertake to settle between these two growing, if not "great minds," which of them is correct. It may be that neither is right. I think I have proven it; but there is one thing we all know, that the gentleman from South Carolina has told us that he will

go for a distribution of the surplus; and he has further informed us, that there would be thirty-five millions to begin with. I do not pretend to say that the gentleman from Tennessee will support the measures for distribution of the surplus revenue. If he does, however, one fact is clearly established—that the opinions he has expressed of the effect of the system of defence recommended by the administration had better be expunged, great as may be the abhorrence of some gentlemen for black lines.

But, Mr. Chairman, before I proceed to another part of the gentleman's argument, I must not omit to notice, in connexion with it, another purpose he made it serve him. Having, as he supposed, established the fact that the Treasury was to be exhausted, and the system of high taxation established, he turns from the scene with apparent indignation, and asks the question, "Who does not see from all this that we are to have an increased tariff in due season, and that the managers of the party are preparing to claim the support of the manufacturing interests?" The honorable gentleman here charges upon the managers an intent to establish the tariff, and thereby secure the support of the tariff party. An important inquiry then arises, to settle with certainty who are the managers of the party? For in this allegation the member from Tennessee has drawn a distinction between the "rank and file," as I suppose him to mean, and the "few" that "manage." There is, however one bright side in this charge; it stands in bold relief against others made by the honorable member; which I shall notice before I take my seat. It has been the fashion of many gentlemen opposed to the President to charge him with absolute "dictation"—that the party could not, dared not, oppose his views, without incurring the settled displeasure of the President, and the loss of confidence "of those who bend their supple knee" at his bidding. The gentleman has, in this particular instance, given us to understand that there were more "managers" than one. Now, sir, I should be pleased to know if he includes the President among the number of "managers" who are seeking this connexion with the tariff party? If there is such a thing as an administration party, he who presides over that administration as chief executive officer must be considered one of the "managers of the party." And that brings us directly to the consideration of this most unwarrantable charge against the President. I ask the gentleman, I ask any and every candid man, whether an old or new enemy, to point to a single act of his administration sustaining that allegation. Let not gentlemen answer me by saying that the President was not embraced in this charge. I have the proof at hand, recorded in the same speech, that puts this question beyond doubt. Hear the honorable member from Tennessee speak for himself. "There is strong reason," says he, "to believe that the obligations of party are held so sacred, that none who belong to the majority dare do any thing which the President shall forbid, or fail in the support of whatever he shall recommend."

Can any one believe that that gentleman, entertaining this opinion of the absolute control, dictation, and arbitrary power exercised by the President over the majority, does not intend to convey the idea that the President himself constitutes one of the managers of that party? Yes, Mr. Chairman, whatever may have been the meaning of the gentleman, he stands, and must continue to stand, as making a charge more disreputable to the private character of that man, more derogatory to a large majority of the freemen of this Union, more reproachful to the honor and character of the President in his official station, than I have ever before heard from any quarter. Sir, the President of the United States has been compared by his bitter enemies, in the days of great excitement, to a Nero, a Caligula, a ursuper worse than Cromwell—a tyrant, trampling under foot the rights of the widow and the orphan; but it was reserved from the honorable member from Tennessee to attempt to prove what others had only the temerity to assert. That gentleman says, "There is strong reason to believe that now, if the majority dare do any thing or fail in the support of any measure whatever that the President orders on the one hand or forbids on the other." Sir, can there be a character in this nation more absolutely despicable than the one drawn by the gentleman in this brief sentence?

Sir, as one of the party here alluded to, and so much calumniated by this charge of passive servility to the will of the President, it would be but just to say, that he who is prepared to avow such sentiments as these, would be the first to fill that station with becoming dignity. But, Mr. Chairman, it is only this unprovoked, unwarrantable charge against the majority, which, if true, makes them more servile, dishonored, and disgraced, than slaves; but it is absolutely stripping the President of the brightest traits in his character—patriotism and love of the institutions of his country as a public man, and honor, nobleness, generosity, and sensibility, as a private gentleman. Can any man rise here and maintain that if those allegations are true against the President and the party, of absolute dictation on the one hand, and unqualified submission on the other, they can have any regard, love, or veneration, for the institutions of the country, all of which are based upon principles directly the reverse of those that alone could conduce to such acts of tyranny and servility? No, sir; if I have correctly conceived the meaning of the honorable gentleman by the remarks I have quoted, no longer, in his opinion, can the President or the party put up any pretensions to patriotism, virtue, or independence. Sir, there must have been a very sudden loss of those inestimable qualities, for surely such was not the character of the President or the party when the honorable member was himself one of the most conspicuous and faithful of its members. A few short days and some small incidents frequently produce rapid changes in the opinions of men.

Mr. Chairman, I have heard it said on this floor, if I mistake not, during the present session, by different gentlemen on different occasions, that when a thrust was made at the party, they would dodge behind the President, to shield themselves from the castigation they deserved; and the moment an arm was raised to inflict a blow, they would cry out, "Do not strike, you will hurt the President." The great regard heretofore professed by certain gentlemen for the President has preserved his character sacred, but I think the honorable member from Tennessee cannot be charged with staying the blow either for the party or for the President. It would seem that he has hardly stopped to inquire who it was that he had struck, or was about to strike; but has, in the spirit of a reckless knight, charged upon the President and the party, without the slightest discrimination as to persons or regard for weapons.

The honorable gentleman, in the conclusion of his first day's speech, gave a short explanation of his own course heretofore, and the course he should pursue hereafter. On resuming his arguments, on the second day, he remarked: "Some of those with whom I formerly acted in this House may not think my declaration upon the nature of my present relations to the party in power sufficiently explicit. I can have no possible motive to assume an equivocal position before the committee or the country. On the contrary, I consider my honor at stake in taking a different course. I therefore repeat that I shall support all the measures of this administration, which I shall find to be in accordance with its

early avowed principles, in the same manner and to the same extent I have hitherto done; and I shall oppose with my influence and ability, whatever they may be worth, every measure, every practice and movement of the party, which can be traced to the policy of electing the executive favorite to the succession." And, Mr. Chairman, as if the language used by the honorable gentleman was too strong, and might not answer what it plainly means, viz: that he will oppose every measure of the administration, he places the matter beyond doubt, by proceeding to say:

"If the declaration that I hold myself the supporter of the administration, to any extext, shall appear inconsistent with my votes upon so many party questions which arise in this House from day to day, I can only answer, that it is not my fault if the party action of this House shall almost in every instance have a direct reference not to the support of General Jackson so much as to the election of a particular candidate to the presidency." Mr. Chairman, I have seen some manifestoes, a few proclamations, and some declarations of political creeds, but I must frankly admit that I have never seen so labored an effort to say two things at the same time. The honorable gentleman seems unwilling to trust himself in saying what his course will be, before he rushes in a proviso, backed by an example; and the plain English of the whole is, that he believes every movement of the party, every act of legislation, every measure introduced in the House, has some connexion, directly or indirectly, with the "policy or motive of electing the executive favorite to the succession," as he is pleased to call Mr. Van Buren; and that, therefore, according to the rule he has prescribed for his own course of action, his claim to candor would not have suffered from an open avowal of his determined opposition to the principles of the administration.

Sir, it will be remembered by the committee that the honorable gentleman from Tennessee made a labored effort to establish the exact similarity in principles of the dominant party of the present day and the federal party of 1798. To establish the correctness of this charge against the administration party, he insisted that, as the party of '98 was for a large standing army and navy, so was the administration party at this day. The evidence of the charge was to be found in the system of defence as recommended by the President, and for which estimates had been furnished by the heads of the Departments. I must confess I had much difficulty in comprehending either the facts or the reasoning of the gentleman that could have authorized him in making the charge of federal principles on the party. Neither the President, nor the War or Navy Departments, nor any friend of the administration in either branch of Congress, has submitted any proposition for a large standing army or navy. The utmost verge of all their plans would scarcely organize a respectable peace establishment; and how the member could feel himself authorized to assert the analogy between the principles of the party now supporting the administration and the federal party of '98, is so far beyond my ken, that I shall yield to the gentleman the honor, often claimed by men who have gone before him, of discovering a strict analogy in things wholly dissimilar in every principle. This analogy is discovered to exist, not only as relates to the standing army and navy, but the honorable gentleman goes further, and detects another federal principle in the dominant party by the adoption of a rule of this House, making certain appropriation bills the order of the day from and after a particular time, over all other business! This rule of the House was recommended at an early period of the session by the Committee on Foreign Affairs. So far as the committee were concerned, they proposed a rule for the order of business here, which was, in their judgment, imperiously demanded, from our defenceless condition and a full view of our foreign relations. Now, will any gentleman pretend to say that, with a knowledge of the failure of the appropriation bill of the last year, with the wretched state of every branch of our public defences, with the daily prospect of a collision with France, it was not our first duty to take up, consider, and pass the appropriation bills necessary for the public service? Was it the duty of this House to have acted on these various bills, or to let them sleep until the end of the session? Why, sir, I venture to affirm that there never was a rule more imperiously demanded by the public interest than the one which has received such uncalled-for and unwarrantable censure and condemnation from the honorable gentleman. The gentleman also contended that, if the spirit of the resolution regulating the order of business of 26th January was carried out, "it would result in the re-enactment of the sedition laws of 1798." He says that the resolution of the House and the sedition law contained the same principle: the object of each was "to suppress discussion and to prevent attacks upon the party in power."

Sir, I should really be inclined, from this broad assertion, to suppose that the honorable member could not be greatly dissatisfied with the principles of the sedition laws; for, if he should have succeeded in showing the principles of the one to be identical with those of the other, I think the journal of this, and the minutes of the Committee of the Whole, will show that, so far from the rule suppressing discussion, it has been enlarged and extended to the utmost verge. Why, sir, the gentleman's own case is a happy and triumphant refutation of his assertion. I ask the honorable member to tell the nation how long he discussed one proposition in relation to one of the appropriation bills. Four successive days, sir, did he enjoy the privilege of saying any and every thing he chose to say, upon any and every topic he thought proper to discuss; and yet, sir, "the spirit of the rule, if carried out by the party in power," he asserts, would result in the re-enactment of the sedition laws of 1798! But the honorable gentleman says one of the "objects of the rule was to prevent attacks upon the party in power." The rule, sir, has been equally unfortunate in that respect; and if the honorable gentleman could have allowed himself but one moment of reflection, in this very assertion was to be found a fact directly at variance with the point he was laboring to establish. What, sir, prevent attacks upon the party in power! What else has the minority done during this entire session? Have they introduced any measure, proposed any project, for legislative action or inquiry, but with the view of fulminating denunciations, unjust, unwarrantable, and such as were never before witnessed in any deliberative body, against the party? And pray, sir, who is the party, and who is it that is eternally arrayed against that party? Why, it is the indefinite party, composed of advocates of the tariff, internal improvements, the bank, the nullifying party, and, above all, the "no party" party. Each, with principles professedly opposite, irreconcilable with each other, are now seen united under a common flag, waging an eternal unrelenting war against the party. Why, in such a contest, the party, from the fact that their principles are defined, avowed, open, and undisguised, have much to fear. Why, sir, if "the party" make a blow at that branch of the indefinite party professing the principles of the American system, you are answered by gentlemen professing the doctrines of nullification, and during the scuffle that ensues between them, the American system gentlemen skulk out of the contest, take their position on some commanding eminence, and there snugly remain until the battle is over, when they return to their friends, the nullifiers, and offer

them their smiles, and look so piteously concerned, that the bold nullifier can but feel his utter disgust. Just so with the remaining parties; the one, regardless of consequences, rushes to the fight, but are no sooner engaged than their allies take a distance, which is well observed, until danger passes off, when they in turn approach the battle-ground, a fierce and brave little band, whose maxim it is to share all the honors, without incurring any of the dangers of war. Sir, I have been compelled to this review of the state of the opposition, (who I call the indefinite party, in contradistinction to "the party,") from the language of the honorable member from Tennessee. "I believe (says he) there are many individuals who do not accord with the present course of the party to which they belong upon many questions, who cannot long abide their party connexions; and, sir, if I possessed the power of exorcism upon this occasion, I would bid them instantly come out from among their uncongenial elements and associates, with which they are at present united." Now, sir, I ask the honorable member which wing of this opposition would he have us join? Is it his party? If so, I have never yet heard an avowal of their creed. I do not know the principles they profess. All that I do know is, that they are opposed to the administration. I must therefore take his recommendation on trust, or refuse the politeness of his offer. Am I to join the nullification party? They do not want it; they do not wish to divide the glory of the enterprise; there will not be more honor in the end than will meet the demands of the present members of that party. But, again: they have others that would receive a preference. Under no circumstances, therefore, would the dissatisfied of the dominant party receive quarters in their camp. Shall we join the American system party, and thereby keep company with the balance of the family of the opposition? Why, sir, that is impossible; our early habits, our deliberate judgment of the best interests of the country, our own interest, founded upon justice, constrain us to refuse a connexion with this portion of the opposition—selfish, cold, and calculating, in every movement, we should expect to be reduced to absolute want and beggary in a very short time in their company.

Now, sir, having shown the objections to joining any of the different portions of the opposition, but one of two things seems to me proper for such as may not be entirely satisfied with every measure of the administration: to lop off and constitute a fourth division of the opposition upon some particular political tenet, which, according to my observation, is no sooner settled than promptly deserted, or stay where we are; instead of opposing every measure, right or wrong, to give a cordial support to such measures as we believe are right, and a manly, independent, and firm opposition to those we believe to be wrong. For one, I shall on all and every occasion give my support or opposition to each particular measure that may come before me, as I believe conducive to the public good; and though it is of no consequence, either to the honorable member from Tennessee, or any one else, yet I do not hesitate in saying, whenever this Government shall be administered upon other than the cardinal principles of the present administration, as I understand them, and firmly believe them to be, I shall be found among those who will have firmness enough to take a stand against that administration. But, sir, in such a position, I will not hold communion with a party or the fragment of a party whose principles are equally or more objectionable than the principles of the administration to which I may be opposed. Sir, there is a glory in political consistency that far surpasses the fleeting honors that are conferred or withdrawn, according to popular whim. Perhaps it is to that alone a political man should look to compensate him in the hour of desertion. The history of our own country and our own age admonish all that the man of this day is sunk in oblivion to-morrow; and surely his greatest solace in such an extremity is, that, in all he has done, his conscience approves the motive, and his judgment affirms his consistency.

It is well remembered, Mr. Chairman, that the honorable gentleman [Mr. BELL] let no argument escape him that, in his judgment, would excuse, authorize, or justify, the attack which he made on the administration; and hence the extraordinary position he assumed before the committee, "that President-making" should become a regular part of the legislative proceedings of the House. To avoid doing any injustice to the argument of the gentleman, I will give his own words: "If any one shall object (says the gentleman) to this discussion because it savors of President-making; if any gentleman shall be deluded by the opinion that topics directly connected with the politics of the day should be excluded from this hall, I ask him to reflect for a moment upon the fact, that no subject at this day, of importance, does or can arise in Congress which is not sustained or opposed, and finally decided, upon principles and motives which enter directly and deeply into the presidential canvass, and ultimately decide the issue." Now, sir, here is a charge, coupled with a confession, in which the honorable member has certainly placed the opposition in a position before the country which I could scarcely have supposed one so elevated, disinterested, and patriotic in his course as that honorable member, could have consented to occupy. What is that confession, sir, and what is the position the members of this House must occupy before their constituents, if the gentleman is correct? He tells you that no subject of importance does or can arise, in Congress, which is not sustained or opposed, and finally decided, upon principles and motives which enter directly and deeply into the presidential canvass, and ultimately decide the issue. Sir, if this be true, the gentleman must establish that "President-making" is a part of our regular legislative duties under the constitution, sanctioned and approved by the constitution, which I undertake to say no man can seriously, in a moment of cool deliberation, believe; or, otherwise, he has branded every member of this House with a violation of his oath.

What, sir, has it come to this: that every measure is opposed and advocated with the direct view of advancing the pretensions of some favorite to the chief magistracy? Sir, the gentleman who can feel this charge to be true may well exclaim that this is a corrupt and degenerate age; he may well cry out that there is corruption in the land; he may well denounce men and measures; he may see and feel dangers that are unseen and unfelt by those who are influenced by no such improper motives. I would beg the honorable gentleman, for the honor of all, for the honor of the nation, not to inflict a mortal wound, by one thrust, upon the standing of your legislative department of the Government; not to prefer a charge against all the members of this House, and plead guilty to that charge in their names. If the opinion is entertained by the gentleman, either as to the character of our legislation, or the motives that influence members, I think our constituents should begin to inquire into our duties, as defined by the constitution; they should determine whether this or the other, or both branches of Congress combined, are required to make laws for their benefit, or to make a President to rule them.

I can but say, Mr. Chairman, that I believe it is no part of our legitimate duty to "sustain or oppose, and finally decide, any question upon principles and motives which enter directly and deeply into the presidential canvass." And here, sir, whilst I deny the principles and motives charged by the gentleman from Tennessee as regulating my conduct, it is but fair to hold him to a confession that he has thus voluntarily made. And the honorable gen-

tleman having made a confession of this portion of his faith, I shall be pleased to know if it was considered one of the "original Jackson principles;" and if so, whether this principle of legislating on the subject of "President-making" was known to an honorable Senator from Tennessee, [H. L. White,] when he opposed General Jackson's election to the Senate of the United States, for fear that "it would be believed that he was placed in Washington to electioneer for the presidency?" But to proceed in the honorable gentleman's own language: "It has of late become more important than at any former period in the history of the Government, that this subject of President-making should be taken up seriously, and made a part of the regular business of Congress."

Sir, it strikes me that the propriety of the course now recommended by the honorable gentleman, the principles he now seeks to establish as a part of the creed of the opposition, were not so well understood in the first days of this administration, or during the time the Chief Magistrate was first a candidate; otherwise a distinguished gentleman from Tennessee [Hon. H. L. White] was not so fortunate as to be fully initiated into the doctrines of that party, or has furnished the world very conclusive evidence that he was not at that period a Jackson man. After adverting to one other remark of the gentleman from Tennessee that struck me at the time with some surprise, I shall proceed to notice some of the opinions of he Hon. H. L. White, which I shall do in a manner perfectly respectful to him, and which I would not do at all but for the respect I have for the examples of his friends upon this floor in examining the opinions of one other individual, [Mr. Van Buren,] who, like the honorable Senator from Tennessee, [Mr. White,] is now before the people of the Union for the first office within their gift. And, sir, there is another reason: during all the denunciations I have heard here from each branch of the opposition, I have heard none of them censure either of the candidates for President, except Mr. Van Buren, although I should have supposed some of the others entertained principles far more objectionable than any of Mr. Van Buren's could possibly be.

The gentleman from Tennessee adverted to the President's late special message upon French affairs; and such was the deep impression left upon the mind of the gentleman of the danger, weakness, and inconsistency, of that document, that he could not omit to point it out. After contrasting two sentences contained in that document, the honorable gentleman says: "I regard it as therefore entirely proper to point out any inconsistency which may impair the effect of it." I do not, sir, complain of this; on the contrary, I acknowledge the right of gentlemen to examine for themselves every document of a public character, from the President or any one else. It is all proper in itself; but whether the gentleman has really impaired the effect of that instrument, by his review, is a very different question. The object of the examination was to show inconsistency, that a short communication from the President contained conflicting principles.

Sir, since the honorable gentleman has assumed the office of reviewing the documents and communications of the President, with a view to point out any inconsistency that may impair their effect, I must be permitted to invite his attention to parts of two letters containing important matters from an honorable Senator from Tennessee, and who is now before the people as a candidate for the office of President; (I mean the honorable H. L. White.) I should suppose the honorable member could not object to this; he would doubtless feel the obligation as great to point out inconsistencies in reference to Judge White as he has in relation to General Jackson. Sir, I send to the Clerk an extract of a letter from the honorable Hugh L. White to Pryor Lea, Esq., dated July 14th, 1827, and ask the reading of the same. Read, as follows:

"Doctor Wiatt had been represented, by those in whom I thought I could confide, as the friend of Mr. Clay, and not as the friend of General Jackson; and Mr. Miller, as in truth wishing to use the name of General Jackson only for the purpose of securing the election of Mr. Adams, by dividing the Western vote.

"Whether these representations were true or false, as it related to Doctor Wiatt and Mr. Miller, is not now in the least material. They were undoubtedly made, and by those in whom I thought I could confide, and in whom I did confide at that time, and honestly believing that no one of the four was the friend of Jackson's election. So far as he was concerned, I held it perfectly immaterial which of them succeeded, as against the others. But it is further stated that I supported Colonel Williams for the Senate of the United States against General Jackson himself, and went so far as to call General Jackson "an ungrateful, black-hearted scoundrel." There is in this charge a mistake. I supported Colonel Williams, in opposition to Mr. Miller, by all fair means in my power; and when there was an attempt to run Jackson himself as a candidate, in opposition to Williams, I used my utmost exertion to prevent his name from being used as a candidate. It appeared to me, that one strong ground on which General Jackson was supported for the presidency in other States was, that he was at home, attending to his private business, not using any means to secure his election as President; and I candidly believed that if the Legislature elected him to the Senate, it would be believed in those States that he was placed in Washington to electioner for the presidency, as well as the other candidates, and that such an impression would do him more injury than the election of Colonel Williams, his enemy."

Mr. Chairman, I advert to this letter for the purpose of showing that Judge White, in his present position before the people of the United States, has, like many other great men, lived long enough by practice to contradict the maxims of early life; and I will now here repeat, what I have often said in private and in public, that I will not aim one blow at Judge White only in self-defence. For his private and public life, (if I may be allowed to use the language of his friend, the member from Tennessee, when speaking of the President and his administration,) "up to a late period, I entertained the most profound respect:" a regard, sir, based upon the conviction that he was a plain, unassuming, unambitious man, content to fill that station where his services could be best directed to the advancement of the great interest of the country. That I can, however, reconcile his present position with what I supposed to be his early political notions, would be an unworthy affectation, and a concealment of feelings incompatible with a sense of duty. It will be remembered that the honorable gentleman admitted that he had "spoken with great freedom of the course of the party in power," and that he had not "spared his censure when he thought it was deserved," and that "he should continue to exercise that privilege," &c.

It was perhaps unnecessary for the honorable gentleman to have given this notice, for I believe none that heard him doubted, for a moment, that he had enjoyed a very great latitude, and was quite merciless in his castigation, considering he had "been, until a late period," one of the leading members of the very party he was denouncing. Others there were, so curious as to express some wish to know the exact point of time when the dominant party fell from grace, and where the honorable member from Tennessee [Mr. BELL] then was. One thing must be conceded on all hands. From

the number of crimes charged by the gentleman from Tennessee on the party, he must have been with them a part of the time, and should share a part of the censure, or else his leave of the party was a very sad calamity for the country, as their degeneracy and rapid fall has no parallel.

But, sir, to return to the principles asserted in this letter. In the first part is clearly to be gathered Judge White's unwillingness that the party then supporting General Jackson should be divided, for he distinctly charges Mr. Miller with using the name of General Jackson only for the purpose of securing the election of Mr. Adams, by dividing the Western vote. Well, then, if it was wrong in principle to divide the Western vote at that day, to elect a particular individual, would the same thing that was wrong then be right now? I take it for granted that if it was wrong at that time to divide the Jackson party, and thereby destroy their influence in the election for a President, it certainly would be wrong, if there was any principle in the position assumed, to divide the same party now in electing a President; or will it be contended, that so soon as General Jackson's name is out of the question, when he is no more before the people, the party that supported him, known as well by the name of the Jackson, the administration, the republican, and the party, is dead, and that therefore the position Judge White now occupies is not calculated to divide the party? To my mind it is clear that Judge White at that time believed it wrong that, in the separation of the people of these States by parties founded upon principle, there should be a division of strength between members of the same party; and that this opinion was correct it strikes me all must agree, so long as they profess to act upon principle. When it is men only, and not measures of public policy, then every man can and should indulge his personal preference. How Judge White sustains the doctrine he then entertained, let his present position speak. But, sir, the balance of this letter, in regard to his course to General Jackson, is full of instruction and bitter reproof. Hear with what delicate sensibility he was disposed to guard the honor of General Jackson. Judge White says he supported Colonel Williams against Mr. Miller, and "when there was an attempt to run Jackson himself as a candidate, in opposition to Williams, he used his utmost exertion to prevent his name from being used." Again, the Judge says, "it appeared to him that General Jackson was supported for the presidency because he was at home, attending to his private business, not using any means to secure his election as President;" and the Judge further says that, "if General Jackson had been placed in Washington, the impression would have been that it was to electioneer, and that such an impression would have done more injury than to elect Colonel Williams, his enemy."

Now, sir, I am quite satisfied that Judge White, on this occasion, reasoned in a manner peculiar to himself; and he was so opposed to the slightest suspicion resting on General Jackson, that he would consent to elect his enemy over him, as a lesser evil. I admire those delicate relations of private friendship—I admire the sagacity of the friend whose discerning eye can better see and understand my interest than I can myself; but I am not prepared to say that I could relish so well that species of friendship that would prefer the elevation of my enemy, for fear that, in the event of my success, my motives might be questioned. But taking the Judge's rule as correct, that a man should not be in the Senate of the United States, for fear that he might be suspected of electioneering, and how does he stand? Why, we all know very well. The Judge is in the Senate, yet he had such scruples about General Jackson, that he supposed it might injure his election in some of the States! Sir, I can come to but one of two conclusions in relation to this letter: either that Judge White regarded the interest of General Jackson better than his own, and could trust himself to temptation sooner than General Jackson, or otherwise he stands convicted of preaching one creed and practising another. Sir, I forbear further comment upon this extract. I have given it entire, so far as relates to that matter, that all may have equal means with myself in forming conclusions. I frankly confess, if Judge White meant any thing by that letter, I cannot reconcile his course to it.

Mr. Chairman, I have another extract of a letter of Judge White's, written to John Ross, a Cherokee chief, dated 26th April, 1824, which I will send to the Clerk to be read. The extract was read, as follows:

"To collect a tax from merchants, to compel them to pay a small portion of their profits, at stated periods, for the support of the Government, where they transact their business, has been a very common mode of collecting revenue; and no State has been charged with attempting to regulate commerce where they have exercised such power.

"Why, then, should the Cherokees be denied the power, because, by possibility, they might abuse it, and undertake to regulate trade? I have believed, and still do, that, under the treaties, the Cherokees must be considered a nation, possessing like powers with other nations, except so far as they have surrendered their independence to the United States. That they have made surrenders of power in many important particulars, but that they have not surrendered the power of making municipal regulations for their own internal government; that among the powers they still retain is that of imposing and collecting taxes.

"I regret exceedingly that to you I have ever given any opinion upon a subject that interests your nation. Had I known the purpose for which it was desired, I should have been silent; but, having given such an one as I honestly entertained, I can never express any other until convinced of my error."

In order that the opinion of Judge White may be fully understood at the date of this letter, I will make a statement of facts, as related to me, and which I suppose true. Mr. John Ross was then, as he is now, one of the leading chiefs of the Cherokee Indians, residing within the chartered limits of the State of Georgia, a part of the same nation, extending into the States of Tennessee and North Carolina; Mr. Ross, himself, residing within the limits of Georgia, as I have always understood. He addressed Judge White, who had great reputation as a jurist in the section where he resided, for his opinion with regard to the power the Cherokees had to pass and enforce laws for their independent government, and especially to obtain his opinion on the power of said nation to collect taxes, &c. In answer to the points presented by Mr. Ross, the letter from which the above is an extract was written by Judge White; and upon the authority of that letter, as I have been informed, and which opinion is authorized by the letter itself, the Cherokees did proceed to organize an independent Government within the limits of Georgia, claiming for that Government exclusive jurisdiction, criminal and civil, over all that portion of Georgia known as the Cherokee nation. Whether the opinion thus delivered was intended by Judge White to influence the Indians in the course they adopted is not important; nor do I believe, or pretend to charge upon him, a motive to inspire those Indians with the enjoyment of political rights incompatible with the rights of Georgia, under the constitution. But, sir, that the opinion expressed in this letter is wrong, that it has been the cause of great trouble, inconvenience, and perplexity, to the authorities of Georgia, every person acquainted with the circumstances will readily admit.

Sir, let it not be said that the opinion here expressed, "I have believed, and still do, that, under the treaties, the Cherokees must be considered a nation, possessing like powers with other nations, except so far as they have surrendered their independence to the United States;" I say, let it not be said that Judge White had no reference to the authorities of the respective States in which the Indians then resided. It is impossible that he could avail himself of this position. He was speaking of and to the Cherokee Indians as they were, and precisely where they were at that time. He spoke of the powers they then had; and the doctrine contained in his letter is, that they were independent, or, in his own language, "A nation possessing like powers with other nations, except so far as they have surrendered their independence to the United States." The opinion here expressed with the utmost precision, as I consider it, is that the Cherokee Indians residing within the limits of the States of Georgia, Tennessee, and North Carolina, are a nation possessing all the powers of the most perfect sovereignties, except the powers surrendered to the Federal Government; and among the powers surrendered is not the power of taxation. There is no authority recognised in Georgia and North Carolina over the respective portions of those Indians that reside within their limits. But they are asserted to be independent of them, unless, forsooth, by some treaty stipulation with the General Government, the right of the States is recognised.

Sir, I undertake to maintain that there was no authority in the treaty-making power of the Federal Government to divest Georgia of the right of controlling, in her own way, the inhabitants within her limits, and making them subject to her own laws, criminal as well as civil. The soil of Georgia was derived from a royal charter, before the Revolution, recognised under the confederation, and guarantied by the federal constitution. The constitution, if it guaranties to the people of Georgia any thing, secures them a republican form of Government, and the chartered limits of their State, which cannot be altered but by their own consent. How, then, can Georgia be said to enjoy a republican form of Government, and jurisdiction over her soil and territory, when one fifth of that territory is in the occupancy of a tribe of Indians, organized into such a Government as they may choose to adopt? Yet Judge White's argument means this, if it means any thing; and that the meaning was so understood, is established by the fact that, upon the authority of that opinion, the Cherokees actually proceeded, as I have been informed by the brother of John Ross, to organize a Government of their own. Judge White says that the opinion, as expressed in his letter, "is such an one as he honestly entertained," and that he could "never express any other until convinced of his error." Now, Mr. Chairman, since the honorable gentleman [Mr. BELL] has derived infinite pleasure in looking into the present and past opinions of the President, and feels it his duty to point out any inconsistencies that will impair their force, I would desire to know whether the opinion, then honestly entertained and plainly pronounced in this letter, is still the opinion of Judge White, or has he been convinced of his "error," and shifted his ground? I leave the question of consistency and "error" for his friends to settle.

Mr. Chairman, the principles, as I understand them, asserted by Judge White, should be understood by my constituents. A large, respectable, and enterprising portion of the population of Georgia are now residing upon the lands occupied by the Indians in that territory. The pretensions set up by that tribe of Indians within the limits of Georgia were subversive of all order, and so dangerous to life and property, that the authorities of that State, without a total disregard of the highest obligation, could not longer suffer a state of things so mischievous to continue; and Georgia was, from a sense of duty to her free white population, not less than to the red population, compelled to interpose and assert her doubtless right of jurisdiction and occupancy of the waste lands in that region. Good order, morals, religion, and humanity, alike demanded that she should act as became a people humane and benevolent, and she was not to be deterred from doing a great public good, for fear that they might incur the reproach of those who are always ready to offer their sympathy gratis and their charity sparingly. Sir, the people of my State have suffered long and patiently the tardy movements of the Government in relieving them of a population trouble some and dangerous. It has not been until since this administration came into power that the first efficient step was taken to assert the just rights of Georgia. The doctrines of Judge White have been overruled. The Cherokee code of laws, that were in direct collision with the laws of Georgia, have been abrogated, and the Indians have been told, in the spirit of friendship, and with the candor due the occasion, that their right to establish an independent Government within the limits of Georgia could receive no countenance or sanction from the administration. They have been advised to emigrate; the counsel of the President has been disregarded; two treaties have been formed; and a few days must settle the fact, whether we are to have these people settled upon us throughout all time, or whether the policy of the Government will be carried out.

Mr. Chairman, I will not ask of the gentleman to reconcile other political acts of Judge White. His course in the Senate in reference to several subjects, but especially to certain nominations, I leave for Judge White to settle for himself. It may be that he can give satisfactory reasons to his countrymen for the votes he has given. I would hope he could. I have no right to ask of him to do so. All that I have to say is, it would have been well had he adopted the course "that seemed to him as the ground on which some of the States were supporting General Jackson, because he was at home, attending to his own private affairs, and taking no part in any plan to secure his own elevation."

Mr. Chairman, there is another position taken by the honorable member from Tennessee, that in my opinion deserves some consideration; I do not know that I should notice it, but for the belief that it has been, for the first time, asserted, and is therefore properly recognised as one of the principles of the new organization of which the honorable gentleman is the reputed head. Sir, what is that principle? I give it as written by the gentleman himself: "To vote money is the least difficult and most pleasant duty of a representative of the people. It requires neither experience, industry, talents, nor fidelity, in members." If the honorable member is ambitious of securing to himself the character of originality, of discovering things that do not exist, or asserting principles that the judgment of every man must condemn, he could scarcely have been more fortunate than in this instance. What, sir, is it indeed true that the most pleasant part of our legislative duty is to vote away the money of our constituents? Have we arrived to that station where we have the least difficulty, and derive the greatest pleasure, by thrusting our hands into the pockets of our constituents, taking their money, and voting it away? I could hardly have expected an avowal of such an alarming character; and, coming from that honorable gentleman, it struck me with profound amazement. I trust, sir, that he will not insist that this was an original Jackson principle, but has been one picked up by him since the degeneracy of that party became so disgusting that he was compelled to separate himself from them. But that is not all. The honorable gentleman says "it requires neither experience, industry, talents, nor fidelity, in

members." Therefore, the honorable gentleman means to be understood as maintaining, for the first time in this country, that inexperience, indolence, ignorance, and dishonesty, are the qualifications best calculated to subserve the true interest of the people, on all questions connected with the least difficult and most pleasant duty of the representative—voting away the people's money. Sir, a charge so palpably derogatory to the character of this House, so insulting to the good sense of every member on this floor, cannot require a more special notice from me. Let the honorable gentleman go home to Tennessee and tell his constituents that it is the least difficult and most pleasant part of his duty to vote away their money, and, my word for it, they will give him the appropriate response.

Mr. Chairman, the honorable gentleman, in the range of his denunciation of men and measures, took occasion to bestow a passing notice on the Secretary of State, (Mr. Forsyth.) He was pleased to speak of him as a "most" orthodox "Secretary of State;" and, with a very confident expectation of establishing a charge of fearful magnitude, proceeded to the introduction of his proof. Whether the Secretary of State will be able to survive the wound, time alone will tell. That he and all the administration must have felt awfully alarmed, had they have been so unfortunate as to have heard the gentleman from Tennessee, will, perhaps, admit of some question. But that the Secretary will likely live as long, walk as erect, be as faithful to the public interest, under the merciless blows of the gentleman from Tennessee, as if no such incident had ever occurred, I think quite certain. Sir, there is such a thing as overshooting, as well as undershooting.

The honorable gentleman from Tennessee is entitled to all the credit due a brave, but weak man, for the assault he has made, or attempted to make, on Mr. Forsyth; for really I am not entirely certain that an attack intended and attempted, but not discovered by the assailed, can properly be considered an assault. The honorable gentleman came to the field with the courage of a true knight, guarded at every point, but so encumbered with his armor of steel that his strong arm, powerful as it is, could not send the arrow to its appointed victim; he could see the object of his hatred, far removed from danger; every effort but increased his anxiety, every failure but chafed the feverish spirit of revenge.

Sir, if the honorable member would allow me to offer him a single suggestion, it would be to look for another victim. The Secretary of State stands high, elevated, and endeared to every man of any party who can appreciate a fearless, onward, independent discharge of public duty; who can appreciate the most refined sense of honor; who can do homage to that transcendent genius that lifts the man to the highest scale in moral grandeur. Occupying, as does Mr. Forsyth, a position so far beyond the reach of ordinary party weapons, I would, if I dared do so, invoke the member from Tennessee to couch his lance and charge upon some victim whom, if he cannot kill, will, at least, be apprized of the attack. The gentleman from Tennessee says, "I well remember what a decided effect was produced upon the minds of the people in the State which I represent in part, and what indignation was excited, by the single act of the Secretary of State under the late administration, of taking the printing of the laws from the Nashville Republican, a paper friendly to the election of General Jackson, and giving it to the Whig, a paper published at the same place, and supposed to be in the interest of the administration. Well, sir, in the vicissitudes of human affairs, it so happened that the party in whose cause the Nashville Republican had suffered came to be uppermost, and it was restored to its former rights and benefits; but, as if it were intended to manifest the utmost possible contempt for the early principles of Jacksonism, and give the most unequivocal guarantees to new allies which the nature of the case admits, that all the principles avowed by the original Jackson party are henceforth and for ever to be repudiated and forgotten, the orthodox Secretary of State has recently ordered the printing of the laws to be again taken from the Nashville Republican, which is now supporting Judge White for the presidency, and given to the Union, a paper printed in the same place; a paper purely partisan in its character, newly established and of very limited circulation, but in the interest of the Vice President."

I have given at length the very words of the honorable member from Tennessee; and, as a matter of curious inquiry, according to the showing he has himself made, it seems that the National Republican was against the late administration and in favor of the election of General Jackson; that during part of the time of the canvass, that paper had the printing of the laws; that the Secretary of State transferred the printing to the Whig, a paper friendly to Mr. Adams's administration; that this act was denounced; but, when General Jackson was elected President, the printing was taken from the Whig, which was opposed to him, and given to the Republican, which was friendly. Well, sir, I apprehend this is the principle of the original Jackson party. Here is an act among the first two of the administration, which act settled the principle. Well, what has Mr. Forsyth done violative of this principle?

The National Republican has taken up Judge White, and of course laid down the administration; and the Union has been stated to be in favor of the administration, and advocates the claims of Mr. Van Buren. Mr. Forsyth, as the member from Tennessee says, takes the printing of the laws from the Republican, (that can only be considered as in opposition to the administration,) and gives it to the Union, that is supporting it. And this is the great, the shameful, and utter disregard of the original Jackson principle. I must confess, sir, I cannot perceive the slightest departure from what I suppose the member himself has shown to be the principle of the Jackson party. I do not pretend to say it is proper or improper, nor do I pretend to say it was proper or improper in the former administration, or in the honorable member from Massachusetts, who is now before me, for the course he then pursued.

Mr. ADAMS then rose, and asked if the gentleman from Georgia intended to be understood as charging him with removing the printer.

Mr. TOWNS remarked that he was using the argument, as he understood it, of the member from Tennessee.

Mr. ADAMS rose to explain. He said he had never, while he had acted as Secretary of State, made a single change of a public printer from political causes. While he was before the country as a candidate for the presidency, there were many of the printers of the laws who were as much opposed to him as any editor could be to any candidate; but he had never changed one of them from any political motive. He did make one change, at General Jackson's personal suggestion; though, whether General Jackson would recollect it or not, he could not tell. It was in the case of an editor at Nashville; and when General Jackson and his colleague in the Senate came and personally requested it as a favor—for it was supposed the editor was favorable to General Jackson—he did make the transfer; but it was without knowing either of the editors. The motive for this change was afterwards the subject of much misconstruction. He did not mean to charge the present or any Secretary of State with political motives in relation to changes of this kind; but he did mean to say that he did not re-

move one printer while he was Secretary of State for political considerations; and, further, that while he held a more elevated situation, he never removed one person from office for political causes; and that, he believed, was one among the principal reasons why he was not more successful as a candidate for a second election.

Mr. TOWNS resumed. Sir, I make no charge against the honorable gentleman from Massachusetts, [Mr. ADAMS,] but was only answering the argument of the member from Tennessee, [Mr. BELL.] I am admonished, sir, that the charge, as contained in that gentleman's argument, is not directly against the honorable member from Massachusetts, but against a member of his political family, [Mr. CLAY,] then Secretary of State; and I will with great pleasure formally transfer it from one to the other, as it does not vary the principle. It cannot, so far as my purpose is concerned, be material whether done by the honorable gentleman from Massachusetts in person, or through his Secretary of State. Sir, having shown, according to the statement of the case made by the member from Tennessee, that there has been no departure from the principle of the early Jackson party by the present Secretary of State, I will proceed to ask the attention of the committee to another of the specifications contained in the member's bill of impeachment. "It is well known," says the member from Tennessee, "that an unbounded respect for the rights of the States was professed by the original Jackson party; and any maxim or practice of the Government which tended to consolidation was denounced as inexpedient, and even dangerous. To prove how little regard has been shown by those who now wear the garb of Jacksonism for the due constitutional rights and independence of the States, it would only be necessary to call to mind the interference of the Federal Government with the election of Senators by the State Legislatures. But, sir, I may add that the legislative proceedings of State Assemblies have been interfered with; and many of those bodies have already been reduced to the condition of mere dependent and co-ordinate portions of the great machinery by which it is supposed this country may hereafter be governed—the supple and convenient instruments of the Federal Executive and party interests."

The first thing, Mr. Chairman, that deserves notice in answering the member from Tennessee on this point, is the regret he must doubtless feel at the desertion of the party from State-right doctrines. I can readily imagine how deep his mortification on this point must be, when I reflect that it was the member from Tennessee himself who had the honor of introducing, as chairman of a committee, and urging through this House, too, a measure about which great dissatisfaction prevailed in many parts of the Union, and about which I apprehend some of the gentleman's intimate friends have uttered the most bitter denunciations. Can the honorable member call to mind a bill that passed Congress when he was one of the party? Ay, sir, a leading man of that party, too, known by some as the bill to enforce the collection of revenue, by others as the "force bill," and more still, the "bloody bill." Will the member tell the nation that he had the honor of advocating that measure as warmly as any gentleman then on the floor—that he voted for it? And will he point out a single act of Congress, from that day to this, that contains any principle so much endangering the doctrine of State rights? Sir, I do not pretend to give any opinion of the principles contained in that bill; I only say that, if there has been any measure of this administration subversive of the rights of the States, destructive of the doctrines of State rights, I believe that bill to be the one. I say no more; that there are but two possible apologies to those of that day whose duty it was to provide for the crisis by the enactment of that bill: first, the precedent set in the time of the republican administration of Mr. Jefferson; and, secondly, the unfortunate posture of affairs resulting from any derangement in the collection of the revenue. That the bill was intended to meet a crisis to be dreaded by all, and avoided, if possible, is to be gathered from its limitations. I will for myself say, and then I shall have done with the principles of this bill, that if the force bill of Mr. Jefferson was constitutional, then was the force bill of General Jackson. If Mr. Jefferson's was called for, then was General Jackson's demanded. But I am free to admit, at the same time, that I have had doubts as to the power, in the Federal Government, which this measure claimed. But on one point I have no difficulty: that any gentleman who supported that bill should not be very much alarmed about any act of the administration, since that time, absorbing the powers of the States.

The member from Tennessee, after having fired for two days upon the party and the President, as a sort of advanced guard, cries out in the bitterness of his heart against the corruption of the Federal Government for interfering with the elections of Senators by the State Legislatures, and is pleased to say that the "legislative proceedings of State Assemblies have been interfered with, and that many of these bodies have been already reduced to the condition of mere dependent and co-ordinate portions of the great machinery by which it is supposed this country may hereafter be governed." For one, sir, I should be pleased to know the States to which the honorable member has reference. I presume, if there has been any such foul work as the member supposes, he would mention the Legislature and the State, and give us the proof upon which he makes the charge. I should think it was due to the character of the State Governments, due to the character of the State Legislatures, in arraying them before the public, so to present the question that they could defend themselves. And it is surely the duty of the member to speak out, so that the administration could, in some shape or form, admit, deny, or justify. I am quite satisfied it never could be the object of the gentleman to thrust in the dark. Then, sir, out with it.

But, Mr. Chairman, the member from Tennessee has of late all his fears and sympathies excited in behalf of that intelligent and venerable body, the Senate of the United States, and his remarks on that subject shall receive my immediate attention; after which, I shall not trouble the committee with much more in reply to the honorable member. "But again, (says the gentleman,) is not the Senate, which was intended by the constitution to be in itself a standing check and limitation upon the use and abuse of the executive patronage, to that extent, and as regards the purposes of its institution, actually expunged, and that too by executive power and influence? I demand of gentlemen to answer me, and say if there exists at this moment, practically, any controlling power in the Senate over the will of the Executive? Is not the constitution itself, for the time being, abrogated, subverted, overthrown? Have we not a Senate of the United States notoriously replenished and organized upon the principle of non-resistance and passive obedience to the executive will and authority? And how, sir, has this state of things been brought about? The State Legislatures, those ancient towers, as they have heretofore been supposed, upon the ramparts of the constitution and of the public liberty, have been boldly entered, and, by executive influence, seduced and prostituted to purposes of federal power and domination. Sir, if the Executive Chief Magistrate had entered the Senate chamber, sword in hand, and supported by a band of chosen mercenaries, and driven the obnoxious Senators from their seats, and filled all the vacancies by members of his own appointment, he would have inflicted a deep wound upon the constitution, and one which

I know he never would think of inflicting; but it would have been less dangerous, and more easily healed, than the one which has actually been inflicted." This is the sentiment of the honorable member. And, sir, I may well say, never was my astonishment greater than when I heard him hold such language of the President and the party supporting the present administration.

Sir, of all the charges that have been made against the President and the party in support of his administration, whether from false friends or from open enemies, it has been reserved for the member from Tennessee to go a full bar's length beyond the limit of the most daring and, at one stroke of the pencil, to draw the tyrant, the usurper, the crouching sycophant, and degraded menial. Could that venerable old man, under whose paternal wing the member from Tennessee has, no doubt, often felt his greatest security, utter one word of complaint for the injustice done him, might he not, in the language of the poet, exclaim—

> "The arrow that deepest in my bosom went,
> Flew from the bow pretended friendship bent!"

Sir, what degradation so great, what crime so black, as a President of the United States "at the head of a band of chosen mercenaries," "with sword in hand," entering the Senate of the United States, and "driving from their seats the Senators that are opposed to him, and filling their places with members of his own appointment!" True, sir, the member tells you that the President would not do this, but then he tells you to have done so would have been a wound on the constitution "less dangerous and more easily healed than the one which has actually been inflicted."

I ask, what has the President done to the Senate? What member in that body has received wrong or injury from him? What is there that that body, as a body, has not done to the President? Have they not attempted to blast his character? Have they not charged him with a violation of the constitution? Have they not charged him with with usurping the powers of the Senate? Have they not charged him with violation of the laws and constitution? nay, more, condemned him unheard? and more still—have they not refused to let him enjoy the poor privilege of placing on the journals of that body his reasons why a sentence, if not of death, of reproach, should not be pronounced against him? All this they have done, and the story is but half told. Have they not, in violation of all former practices, and in utter disregard of that harmonious action contemplated by the constitution between the power of nomination by the President and confirmation of the Senate, refused to approve the recommendations of the President to offices of pressing necessity? Are not some of its members now to be found in that body disregarding the instructions of their Legislatures, with the express view of maintaining a majority against the will of the people, against the instruction of the constituent body? Let the honorable member answer these questions, and I will undertake to tell him why it is necessary that the Senate should receive such compliments from a certain quarter at this time; why it is that the Senate is discovered to be a check upon the use and abuse of executive patronage. Why it is, at this time, so important that the discovery should be made, that if the President returns the second time the same individual before the Senate for confirmation, that it is an abuse of the nominating power, an attempt to subvert the confirming power. Really it would seem that the member from Tennessee thrust forth his assertions and his arguments, as if they were of that sacred character that neither admitted of doubt nor investigation. But, sir, the true secret is, that a certain Senator from Tennessee has played a hand during the present session of Congress that requires some propping up under the precise view that has been presented by the member from Tennessee, [Mr. BELL.] That Senator stands condemned and overwhelmed, unless he can effect a retreat under the pretence that the President has no power, under the constitution, to return upon the Senate the second time the same individual for the same office, after once being refused. Sir, I am sincerely sorry that the honorable member should have felt himself constrained to have used language, in relation to the administration party, that could not fail to wound the sensibility of each member in his personal character. For if I have misunderstood him, and it should be that he intended nothing for the Chief Magistrate, it only makes the proportion so much the greater for the party.

The honorable gentleman was also understood by me to insist, before this committee, that the present administration party had assumed a ground directly at variance with the principle upon which General Jackson was brought into office, on the subject of caucuses and nominations by means of conventions. He maintains that "the original supporters of General Jackson advocated his election against Mr. Crawford, the candidate nominated according to party usage, upon the ground that the practice of caucus nominations of a President of the United States was a violation of the spirit of the constitution." Sir, as it has been my intention in all I have said, in answer to the member from Tennessee, to deal with the utmost possible fairness with his arguments and statements, so I shall continue to do in the few remarks I design to make on this question. I apprehend that the gentleman is somewhat mistaken as to the ground on which Mr. Crawford was opposed by some of the original supporters of General Jackson. It should be remembered that the most if not all the candidates whose names were before the people at the time of Mr. Crawford, were understood to be members of the republican party. Mr. Crawford, I well remember, was understood to be the radical republican, for reasons of real or imputed doctrines he entertained upon the subject of retrenchment and reform. Well, sir, as the member states, in pursuance of the custom of that day, the members of Congress, to the number of sixty-six or thereabouts, assembled in this city at the appointed time to nominate a candidate for the office of Chief Magistrate. This number constituted Mr. Crawford's strength; the balance of the members were divided between General Jackson, the gentleman from Massachusetts, [Mr. ADAMS,] Messrs. Calhoun, Lowndes, and Clay. The friends of these last gentlemen, as I have always understood, protested against the caucus, on the ground that Mr. Crawford received a minority, instead of a majority, of the republican party; and that, therefore, although he received every vote that met in caucus, it was evident he was not the choice of a majority of his party. What motives induced the respective friends of the other gentlemen not to meet in caucus I cannot say, further than the facts speak for themselves, and my recollection of the familiar story of the day. It was a conviction that the friends of either of the gentlemen would be in a minority; and hence, that by the friends of the other candidates not entering into caucus, the nomination of Mr. Crawford, as had been the custom, would be prevented. The fact actually occurred; and as often as it was said in behalf of Mr. Crawford that he was the regularly nominated candidate, as often was the assertion reiterated, on the other hand, that he was nominated by a minority of the members of Congress of his own party. I cannot undertake to say that this was the ground urged in any portion of the Union; but from a recollection not very distinct, I admit I am quite satisfied that the minority nomination of the members of Congress, so far from advancing the interest of Mr. Crawford in the South, or concentrating the support of the republican party in that quarter, was regard-

ed by many of that party in no other light than an attempt by a minority to force upon them an individual who was not the choice of the majority, as had been the case with all preceding nominations by members of Congress.

It was this assumption of power on the part of a minority of the members of Congress that aroused the indignant feelings of the people; and from that moment, until of late, there has been no attempt that I know of, on the part of any minority in Congress, to nominate a candidate for President. Sir, I put it to the candor of the member from Tennessee to say, if himself and his honorable colleagues have not attempted to revive this old and condemned mode of selecting a candidate for President. Did not the delegation from Tennessee, or a majority of them, meet in this city, and determine to support Judge White? Did not that meeting constitute a caucus? Not only so, sir, but, if I understand the explanation given by the gentleman to my friend from Virginia, [Mr. GARLAND,] he absolutely placed this meeting in the worst possible point of view. The gentleman, in that explanation, was understood to draw this distinction between the meeting of the members of the Tennessee delegation and caucuses: first, that it was not a caucus, because there was no regular notice given; because there was no chairman called to preside over the meeting; because there was no appointment of secretary; because there was no record or minutes kept of their resolves, or the conclusions to which that meeting arrived. Now, sir, if it be true, which I will not be understood as questioning, that there were none of these usual, customary, and, I maintain, indispensable forms observed, the gentleman has established that which I presume his explanation was intended to avoid—that this meeting, by whatever name called, contains every objection that can be raised to the policy of caucuses, without one of its advantages.

Secret, private, political meetings, without record of their proceedings, is that particular class of assemblies most to be dreaded in this country. And I am satisfied, with whatever intentions the members from Tennessee met and deliberated as to the course they would take in the approaching canvass, that that meeting is subject to all the objections taken to the caucus of Congress that nominated Mr. Crawford. The gentleman from Tennessee was further understood to maintain that the objections taken by the original Jackson party applied with equal force to the late Baltimore convention, which nominated Mr. Van Buren for the presidency. The right of the people to be heard in convention is sacred, and though assaults upon that plan may serve some temporary purpose, it will be impossible for the gentleman to convince the people that they have no right to be heard on every subject, or that it would be dangerous to their liberties to trust themselves. Sir, it is one of the fairest, safest, and most republican modes of settling any question. When the doctrine shall once obtain that the people are not to be permitted to speak, are not suffered to be heard in conventions, on questions affecting their rights, they may soon prepare for the worst. Liberty will not long survive the period when the voice of the people cannot be sounded through their own representatives, in pursuance of and in conformity to their own will and pleasure. No, sir; there is no analogy between the principle of congressional caucuses and conventions. The one is the will of the people, as expressed through their own organs; the other is the expression of gentlemen who can only speak for themselves, and not for the people. This is the difference, and it is important.

Sir, I have now done with the argument of the gentleman from Tennessee; and I trust that he will not have considered me as departing from the rule he laid down for his own government.

Mr. Chairman, I had intended to have answered at length an honorable gentleman from Virginia, for whom I may say I entertain the highest regard, and who I see before me, [Mr. ROBERTSON;] but having already consumed more time than I intended, I am admonished that I should bring my remarks to a close. That honorable gentleman, as has been the custom of all those on the same side, had much to say against the administration, took great pains to search out corrupt practices; and really felt quite astonished, if not indignant, that not the first measure had yet been taken by the administration to reform the extravagant expenditure of the people's money. The gentleman, in support of his position, informed the committee that one project for reform had been attempted, and that was a resolution that originated in this branch of Congress, proposing a reduction of two dollars per day for the pay of members, which actually passed, and was carried to the Senate, where it was killed: just what every body, but the gentleman himself, would have readily supposed.

Sir, I was at a loss to understand the relevancy of the case cited by the gentleman. I could not see upon what principle the administration was to be censurable for any measure that had perished in the Senate for several years past, when every body knows the majority of that body have opposed almost every prominent measure of this administration. Gentlemen who are opposed to the administration, who are, so far as words are concerned, so much opposed to its abuses and extravagances, should not forget that the virtuous, patriotic opposition have been, until the present session, in the majority in that body. And I ask of the honorable gentleman, with that fact meeting him at every charge he makes against the administration, to tell this committee and the people why that body has not done something. Why is it that some measure has not originated in that quarter that would have saved this country from the disgrace, corruption, and ruin, which has been so confidently predicted? Sir, the gentleman has referred to no other measure, except the one he mentioned, and that came from the popular branch of Congress, where alone the administration has been in the majority, and that very measure was defeated in the Senate, where the opposition has been in the majority! I thank the member for the proof he has furnished to three points, as they are material in the vindication of this administration; 1st, that the administration has attempted retrenchment; 2d, that it was defeated by the opposition; 3d, that the opposition, with a belief that retrenchment and reform were necessary, according to his own showing, have done nothing. But, sir, with the view that the country may understand a little of the economy of the Senate, and their desire to make this a plain and cheap Government, I will present a fact that will afford some profitable hints to the people, and give the gentleman, I trust, some reason to be more quiet and contented with the expenditures of this administration.

The contingent expenses of the Senate in 1826 were $6,913 04; in 1831, $15,000; in 1833, $39,752; and in the memorable year of 1834, $78,794; making a difference of upwards of $70,000 in the mere contingent expenses of the Senate between the years 1826 and 1834. I leave this fact to establish the high claim the opposition have to retrenchment and reform.

Mr. Chairman, it must have occurred to all who have given the slightest attention to this protracted discussion, that the mode of attack and weapons used against the administration were not only selected with great care, but were, in many instances, on directly opposite grounds; so that if one failed, the other might happily succeed. In illustration, I will adduce the language of the honorable gentleman from Virginia. That honorable gentleman says, "since the commencement of his

(General Jackson's) administration, his cabinet has displayed all the colors of the rainbow." And an honorable gentleman from Kentucky, [Mr. C. Allan,] some time since, in his assault upon the President, labored through the greater part of his speech to prove that the administration had acted throughout in direct violation of the President's advice to Mr. Monroe, and that no instance could be shown where any individual had been appointed to office, except he was of the President's party. And yet both the gentlemen from Virginia and Kentucky can unite in the most perfect harmony (doubtless upon principle) in opposing this administration. Why, sir, against this sort of opposition there is no defence, security, or safety; and discretion suggests that the assailants be left to themselves, as, under such a mode of warfare, one attack must necessarily destroy the other, and thereby justice to that extent will be done by the assailants themselves.

The honorable member from Virginia, in concluding his able remarks, could not permit the President to escape his especial notice; and for the purpose of showing, what he asserted to be his deliberate conviction, that the President had attempted to interfere in the approaching election for the chief magistracy, to give the influence of his name to a favorite candidate, and for the purpose of establishing this charge of dictating his own successor, so often and unjustly made, as I must be permitted to maintain, the gentleman relied upon two facts mainly: one, of the circulating of several numbers of a certain newspaper in the State of Tennessee; the other, a letter written by the President to the Rev. James Gwin, of Nashville, Tennessee. If, sir, the known, the acknowledged and established character of General Jackson was not sufficient to silence these reports that have been so widely circulated in the columns of partisan papers, not so much with the view of injuring General Jackson as to excite a prejudice against Mr. Van Buren, a very brief explanation will satisfy any candid mind that the charge is without the slightest foundation. Nor would I pretend to notice, what could only be considered the current scandal of those whose office it is to impute bad motives to virtuous acts, but for the fact, strange as it may appear, that gentlemen of the most delicate sense of honor, justice, and propriety, (and among that number I regret to find the gentleman from Virginia,) should have felt themselves constrained to snatch from the inevitable fate such stuff is destined to reach, and give it form, dignity, and substance, by urging its consideration before the Congress of the United States. Sir, what has the President done? I have already adverted to his trial and condemnation before the Senate of the United States, without notice, or an opportunity allowed him to defend himself. I have already stated, that when that sentence was about to go forth to the world, he petitioned, in the form of a memorialist, against that sentence, which that just and patriotic body refused to receive and enter on their journals.

In the progress of the discussion that took place on his trial, the President had at least one friend, and the constitution and the laws had one. That friend's voice was heard; it was raised in tones of thunder against the iniquity of the Senate's proceeding; and, although stifled in that body, was doomed to reach the ear, the heart, and the judgment, of every man on this continent that abhorred injustice, oppression, and a violation of the laws and the constitution. Sir, this speech was published in the Globe of this city, and the President did dare to send copies of the Globe containing that speech to a number of his first, his earliest, and best friends in the State of Tennessee; men who had watched every movement of his political life; who had supported and sustained him; who had fought their country's battles, and served in the councils of the nation, side by side, with him; who had mingled around the social board with him; who, in short, in every situation, high or low, had been the same consistent, devoted friends. To such men the President did feel himself authorized, nay, called upon, when the Senate of the United States had not only preferred charges against him affecting his character, but even went so far as to condemn him unheard, to give some explanation. That explanation was contained in the speech he enclosed. It was the best he could do; it was all that was left to him to do. He was not permitted to speak for himself. He was compelled to take such explanations as the few and faithful friends to the constitution and the laws in the Senate would furnish him. But it is said that there was an editorial article in the same number of the Globe, preferring some charge against Judge White; and that, therefore, General Jackson did not send the paper so much for the purpose of defending himself as of circulating an editorial attack on Judge White.

Sir, this is too shallow, it is really too small a matter. Honorable gentlemen must be more charitable. No man can believe that General Jackson for one moment thought of, or, what was most probable, knew of, the offensive article in relation to Judge White. And none but those who, like Judge White, could love the interest of General Jackson better than their own, would ever have thought of charging the President with the intention of assailing another while he was only defending himself.

Sir, in relation to the letter to the Rev. Mr. Gwin, I have only to say that no gentleman less talented than the member from Virginia would have ventured to assail the principles therein set forth. But the gentleman has discovered in that letter the hand of the "magician," and, therefore, he is somewhat excusable. There is a terror in the popularity of that individual that never fails to startle some gentlemen whenever his name is mentioned. And since it is their pleasure to cherish it, they should be indulged, free of reproach. For one, I can only say that I shall continue, as I have done, to judge him by his acts, ready to give him my support in such measures as I believe to be right, and equally prepared to oppose him in whatever I believe wrong. But to proceed: General Jackson had been charged with an attempt to interfere with the presidential election, and that, too, in the National Republican, published at Nashville. This charge he knew to be unfounded, and calculated to produce an unpleasant state of feeling at home, amidst his early and constant friends; and to one of that number he addressed a letter, explaining the object he had in view, which was to contradict the report circulating through the columns of that paper. For this simple act the President has passed through the hands of the gentleman from Virginia, and has received from him the most unbounded censure.

Sir, the honorable gentleman should have remembered that the President was repelling, not making charges, when the letter in question was written. Why, the honorable member from Virginia would not even allow the President the right to deny that he had interfered, or intended to interfere, with the approaching election. If he remains silent under the accusation, every body is to believe it true, and the charge could then be made with some propriety. But, it seems, there is no mode by which the President can escape the censure of the opposition. The organ of Judge White in Tennessee charges General Jackson with being opposed to his election, and using his influence against him. General Jackson is not to deny the charge, or say one word; for if he dares to do so, the very act of defence is to be laid hold of as evidence of the truth of the charge.

General Jackson, in his letter, says: "All my friends must perceive that, to be consistent, my preference, as

far as men are concerned, ought to be for him who is most likely to be the choice of the great body of the republicans;" and yet, if this individual should not be Judge White, the editor of the Republican is ready to cry out, "Dictation!" The President says to Mr. Gwin, "You are at liberty to say, on all occasions, that, regarding the people as the true source of political power, I am always ready to bow to their will and their judgment." And this is the letter that has been introduced as evidence of "dictation," as evidence of "interference with elections." Sir, such sentiments stand in need of no defence from me. I should but injure the force of truth, I should insult the understanding, by further explanation of the charges brought against the President in this respect. Let the generous and the just, the man who has character to lose, deny to any individual, however high or low, in this country, the right to defend his reputation from the assaults of slander. Where is that man to be found? I believe this right has never been denied to any individual, however humble his station, except to General Jackson. Fortunately for him, for the age, and for the country, he does not require it. His memory lives embalmed in the hearts of his countrymen. His virtue was never seduced; his patriotism was never corrupted. He stands not solitary and alone, unhonored and unbeloved. No, sir; whilst memory remains, whilst the fire of patriotism burns in an American bosom, whilst free institutions are cherished, so long will the name of Andrew Jackson be remembered as the fearless, honest, and able defender of your constitution and laws. One word more, sir, and I have done.

My object is not to eulogize. That office has been filled by those who are now arrayed against the President. I worship at no man's altar; my purpose is not to be accomplished by such shallow devices. My aim is higher. It is of but little consequence what star is about to set. We should look well to our institutions; see that there is neither danger at home nor abroad—do this faithfully; and I ask for this administration and the Chief Magistrate, "to each do justice, though the heavens should fall."

When Mr. TOWNS had concluded,

Mr. FRENCH took the floor, and expressed a wish to address the committee on the subject.

On motion, the committee then rose, and

The House adjourned.

THURSDAY, MAY 12.

TENNESSEE PENSIONERS.

The engrossed bill providing for the payment of certain pensioners at Pulaski, in Tennessee, was taken up, on motion of Mr. SHIELDS, and amended, by general consent.

Mr. SHIELDS said he hoped that no serious objection would be insisted on by any member of the House to the passage of this bill. A good portion of the district of country embraced in the provisions of this bill (in which a very considerable number of revolutionary pensioners reside) was more than a hundred miles distant from any agency now established by law in Tennessee for the payment of United States pensioners.

He said many of the pensions allowed by the bounty of the Government to this meritorious class of our citizens were scarcely sufficient to compensate them for the time, trouble and expense, of going to and returning from the respective agencies where they now received payment.

Some inquiry, he said, had been made as to the solvency of the bank at Pulaski, in answer to which he had the satisfaction to say that the bank at that place was in a most excellent condition. None, he presumed, was more so in any of the States. It was not only solvent, but well conducted, by enlightened and accommodating officers. In addition to this, he said, the bill was well guarded by cautious provisos, so as to prevent imposition on the Government or any increase of expenditure to the public Treasury. Under these circumstances, he asked, where could be the propriety of withholding this convenience from the few surviving veterans of the Revolution contemplated in the bill? If any risk, hazard, or additional expense, was likely to be incurred by the passage of the bill, it would be improper to insist on it. But such was not the case. He hoped, therefore, that gentlemen would withdraw their opposition to this measure, which, (although not of much importance in itself,) he had much at heart, and suffer it to pass without further controversy.

After some conversation, the bill was read a third time and passed.

MISREPRESENTATIONS CORRECTED.

Mr. RICE GARLAND asked and obtained the leave of the House to make a brief statement in relation to a matter concerning himself. He wished to correct a misrepresentation which had been sent forth, by some of the reporters or letter-writers, of his remarks on the bill providing for the protection of the Western frontier. Some persons were admitted upon the floor, under the name of reporters, who were correspondents for distant papers. The correspondent for the New York Courier and Enquirer, and the correspondent for the Philadelphia Inquirer, had made statements of his remarks on that bill which were not founded in fact. The former stated that he made an objection to the passage of the bill. The Philadelphia correspondent said that he understood him (Mr. G.) to oppose the bill, but that there was so much noise and confusion in the hall that he was not quite certain he correctly understood him; and expressed the hope that he (Mr. G.) would correct the statement if it was erroneous. Mr. G. went on to state that he was in favor of that measure, and expressed his approbation of it, before it was taken up, and in his remarks upon it. He had not intended to address the House on the subject, but was drawn into the discussion of the affairs of Texas, though the subject was not intimately connected with the bill, by following other members who had thrown out some remarks which might, he thought, lead to misapprehension. It was the more extraordinary that he should be represented as opposing the bill, inasmuch as his name was recorded, in the list of yeas and nays, as having voted in the affirmative on its passage, and as he represented the very district of country on the frontier which, more than any other, was interested in the adoption of the measure. He hoped this would be a lesson to those writers to be more cautious in their statements; and the House, he hoped, would not again give occasion for the statement that, owing to noise and confusion on the floor, the debates could not be understood.

Mr. ADAMS understood, he said, that he had been represented as having opposed the bill referred to by the gentleman from Louisiana. He wished, therefore, to say that he did not oppose it, and that, in the most distinct manner, he did support it. He voted for it, and his vote was recorded. There was a still grosser misrepresentation in a press of this city in regard to his remarks on that bill. He was, by one newspaper, represented as saying that "he preferred to have Texas a black colony than to have it annexed to the United States." He certainly made no such remark, and he appealed to every member of the House in support of this declaration. This sort of misrepresentation could not be made with good intentions. In the report in the National Intelligencer of this morning of the few words he said yesterday in reply to some remarks from the gen-

tleman from Georgia, there were gross misrepresentations; though he did not mean to say that, in this instance, they were intentional. He was made to say that this transfer of the public printing in Tennessee, made at the instance of General Jackson, was the subject of great excitement, or some such thing; he did not remember the word exactly. He made no remark as to the effect of that act. He stated that he never did dismiss any man from any office whatever, either while he was Secretary of State or President, for any political consideration; that this course was disapproved by many of his friends, and that, in a historical work, this policy was mentioned as the principal cause why he was so unsuccessful as a candidate for re-election. The report, however, represented this as being said by himself, instead of the work. So far from stating this as a principal cause of his want of success, he did not believe that it had any influence whatever upon the result. As these representations had gone out to the world, he had thought proper to make this statement; and he would declare that, so far as concerned himself, except in the cases in which the reports were brought to him for revision, he had never opened his lips to speak ten words, without being misrepresented.

PROCEEDS OF THE PUBLIC LANDS.

The House resumed the consideration of the bill from the Senate to distribute the proceeds of the sales of the public lands among the several States, and to grant lands to certain States.

Three propositions were pending: the first was to refer the bill to the Committee of the Whole on the state of the Union; the second to refer it to the Committee on the Public Lands, and the third that it be referred to the Committee of Ways and Means.

Mr. LANE said it was not his purpose to detain the House by a discussion of the merits of the bill; that when it shall be in order, it was his intention not only to give his opinion, but his vote, fearlessly and according to the dictates of his own conscience of right and wrong. That he was deeply impressed with its importance, and of the opinions and wishes of those whom he had the honor to represent on that floor. That he was also aware of the political importance attached to it, in reference to the pending presidential election by a party in this country, and by certain aspirants for that office both here and elsewhere. Sir, had any doubts existed of this fact, the distinguished gentleman from New York, [Mr. Granger,] in his remarks, would have dissipated them. He seemed to speak of it with peculiar emphasis; to hail it as the rising star of promise; to gaze upon it as the hope of political power and personal aggrandizement; a star he was willing to worship, in reference to which he had nothing to conceal. His opinions upon that and every other subject were open to all as noonday—no secrets, no masonry; but his whole soul thrown open to public view, in all the beauty and grandeur of anti-masonry.

Sir, said Mr. L., the only question before the House is, whether the bill shall be referred to one of three committees. He was for sending it to the Committee of Ways and Means, which would be in conformity with the uniform practice of the House. Why should this bill be taken out of the common course of legislation?—a bill which, whether we consider it with reference to the States, the nation, or the revenue, is fraught with more of good or evil than any measure ever agitated in this hall. The bill, if passed, may, in its consequences, swallow up the sovereignty of the States, and convert the Federal Government into assessors and collectors of the State Governments; the oppressor of the people, the taking from the many and returning to the few; a bill that may dry up all the streams of emigration to the West, and check her growing prosperity. It may produce a state of things that will convert the General Government to tax-gatherers, and the West and South to tax-payers.

Sir, what does the bill propose? Not an ordinary appropriation, to be paid out of any money in the Treasury not otherwise appropriated, but to take from the Treasury tens of millions that have already been appropriated and expended. Send it to the Committee of Ways and Means, whose duty it is to examine all questions in relation to the revenue, and let them inform the House if such an appropriation can be borne by the Treasury; whether it will not interfere with the ordinary expenditures of the Government. This will enable the House to act knowingly and speedily. It is objected that the committee will not act promptly upon the subject; that it will sleep in the committee room. Should they delay action, he assured the House he would vote with gentlemen to compel action upon it; that it was important this bill should be disposed of, finally disposed of, as early as possible, that the House may make some other disposition of the surplus revenue, either by a general division, a loan to the States, or in State stocks; for he could assure gentlemen, whatever might be his opinion of the bill, it never would become a law. Sir, no one is more desirous of making some final disposition of that portion of the revenue not called for by the ordinary expenditures of the Government, than the individual who addresses you. To accomplish it, he will go as far as any one; nor will he ever agree to adjourn until that subject shall be disposed of in a manner satisfactory to the people and to the nation. Upon this subject, Mr. Speaker, I am like the honorable gentleman from New York, [Mr. Granger.] I have nothing to conceal—nothing to fear. That gentleman seems to think the money in the hands of the administration to be dangerous. Whether these suspicions be well founded or not, I, for one, am desirous to relieve them from the responsibility, and from such suspicions. The gentleman seems to have hung a war speech upon the bill; and, in most glowing and eloquent language, informed the House of what all know, that war was a scourge to a nation; that it drew the widow's tears, and blasted the orphan's hopes; that pledges have been given and violated, and that a failure to act may cause this dome to tremble over our heads.

Mr. Speaker, I am unconscious of any violated pledges on the part of the administration. Therefore, I have no fears from that source, and would to God I had none from any other. Sir, when the States shall become pensioners upon the Treasury, and millions taken from all and returned to the few; when the office of President and Vice President shall be sought for other than at the ballot-box, by the undisturbed judgment of the people; when political aspirants for that office shall be seen going over the country, eating dinners, and making speeches; when this House shall be made the arena for aspirants to that office, hitherto the voluntary gift of a free people, as the reward of virtue and patriotism; then we may fear and expect to see virtue, patriotism, and worth, disregarded; the public interest neglected; the Union torn into fragments; civil war the order of the day, and a country in ruins. Then, and not till then, will the gentleman's picture be realized; then will flow the widow's tears, the orphan's prospects be blasted, and man's best and last hope annihilated. Then may this dome not only tremble, but crumble beneath our feet. Sir, I trust the bill will be referred to the Committee of Ways and Means, acted upon, and finally passed or rejected by the House.

Mr. MORRIS, of Pennsylvania, said he doubted whether all that he had to say upon this question was worth the pains he had taken to obtain the floor for the pur-

pose of expressing it; but not knowing whether he should again have the opportunity of occupying the floor, he was glad of the present occasion, and he should use it in offering his opinion upon the present question of reference. He scarcely thought, if the bill should ever come to be acted upon in the House, that he should ask their attention to any remarks of his upon its merits. It was a subject with which the people were already generally acquainted; it had received the consideration of the public; it had been discussed in the public papers and official communications, and probably all the light of which it was susceptible had been shed upon it by the able arguments of gentlemen in this or the other branch of Congress. He should confine himself in his present remarks to the question immediately under consideration; he should not follow the example (whether proper for imitation or not he would not say) of taking the wide range into topics which he conceived to be foreign from the question on hand. Besides, he had listened to the remarks of gentlemen upon this floor, whose experience here enabled them to present all the views of the subject, and their arguments, as he believed, being more important upon the merits than his own. He thought he should not take up the time, to the exclusion of all others who may wish to speak, so near as he hoped the present was to the close of the session.

Mr. M. said he was more anxious to take the present occasion to express an opinion, in discharge of his duty, from the fact that the people of the State which he in part represented, and especially the immediate district from which he came, felt themselves deeply interested in the fate of this bill. The Legislature of the State of Pennsylvania had repeatedly, at different sessions, and more recently, at the session of the last winter, expressed their sentiments upon the subject-matter of the bill, in the following manner:

"*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the passage of a law to distribute the proceeds arising, or which may have arisen, from the sale of the public lands, amongst the several States, in proportion to the number of members from each State in the House of Representatives of the United States."

It was in accordance with these sentiments, repeatedly expressed, and with these strong recommendations of the Legislature at its late session, as well as in conformity with his own opinions and feelings, that, in the language of the resolution, he would at the present time "use his influence" to obtain for this bill such a reference as would be most likely to insure an expression of this House upon it, rather than that it should be left to sleep or expire within the session.

It is proposed, Mr. Speaker, (said he,) to refer this bill making appropriations of the surplus proceeds of the public lands to one of three committees—either to the Committee of the Whole House on the state of the Union, or to the Committee of Ways and Means, or to the Committee on the Public Lands; in either of which committees I mean not to say but it would receive the attention and deliberation which its merits demand. The question is then presented, whether a reference to either of the standing committees of this House would afford the means of more prompt and speedy action, or whether the immediate reference to the Committee of the Whole would not place the subject in a state as favorable for legislation as if the more formal and slow method be adopted.

I suppose it may be assumed as a position incontrovertible, that there is no gentleman in this hall but what, other things being equal, would say his object and purpose is to give such a direction to this and all other subjects as would best promote and facilitate the concurrent action of both branches of Congress; that, if the subject has merits, it should be so disposed of as to be acted upon and passed. If, then, this be the case, unless good and sufficient reasons can be advanced for first referring this matter to a standing committee, I hope it will go immediately and at once to the Committee of the Whole, both for despatch and effective legislation. It has been said that if it be referred to the Committee on the Public Lands, they may make such suggestions and alterations in the proposed bill as may meet the wishes both of the friends of this bill and of the bill for graduating the prices of the public lands. It is true there may be modifications proposed in the committee, but the same may be proposed, deliberated upon, and discussed, in the Committee of the Whole; nor can it be supposed, if such alterations should be made in the standing committee, that that circumstance would prevent or foreclose alterations, propositions, and debate, in the Committee of the Whole. If he understood the true purpose and use of standing committees, it was to take into consideration memorials, resolutions, and matters connected with them in their incidental stage, or bills, if their recent introduction and novelty render it expedient; so that, having them before them, and all the facts, which may be numerous and diversified, and with which it is not presumed the House are acquainted, they (the standing committees) may give such a condensed form to the subject, with their recommendations, as to place it intelligibly before the House, and enable it to make such final disposition of the matter as they may think it right and proper to do.

Objections have been made to the reference of this bill, upon the ground that the appropriation bills should first be acted on and passed before this is taken up, in order that it may be known whether there will be any surplus in the Treasury to be distributed. Whatever weight there may be in that objection, it is met and answered, in great part, by the operation of the special order of January last, giving precedence to the appropriation bills over others. I presume they will first be called up and disposed of before this bill could be passed. But if it is meant to be contended that this bill shall not be reported by a standing committee until all the appropriation bills are finally acted upon by this House and Senate, and shall receive the sanction of the Executive, then the consequence is apparent and inevitable, that this bill is not to be reported by the standing committee: or, if so, it will be so late in the session as to render it impracticable to give to it that consideration which it deserves, and to place it in a situation that it is not probable it could receive the legislative action of Congress during this session. So that it appears to me, whatever weight the argument in favor of waiting for this purpose may otherwise have, it is removed by the position in which the business of the House is placed by antecedent rules, and by the fact that it is a virtual denial of the consideration of the bill.

This bill has already passed the Senate of the United States; and although I mean not to say that it is not the duty of this House to examine this and all other bills that are sent here, I hold it to be the incumbent duty of the House, and of every member, to examine and judge for himself of the propriety of every measure; yet it did strike me, whether correctly or not I leave for others to say, as I have not heard the argument used, that after the subject had received so much of the public attention; after it had occupied so much of the consideration of the Senate, where this bill has been for between four and five months, and of the members of this House, (for it is within the recollection of every one, that during the discussion there, for a part of the time

at least, such was the intense anxiety of members, that it was difficult to keep a quorum here to transact the current business which was then on hand;) after all this, I submit to the consideration of gentlemen whether the comity to be shown by one co-ordinate branch of the Legislature to another, and the respect which is due to the labor bestowed by the Senate, and the time occupied there, would not dictate such a course in the disposition of this bill as may not leave the labor employed, and the time consumed there, to be useless and vain for all the practical purposes of legislation.

This bill proposes to distribute a portion of the public funds of the Government, about which there has been (I think I am safe in saying) more anxiety than upon any other subject to which the public attention has been called during the present session. When has been the day that the inquiry has not passed from one member of this House to another, "what shall be done with the surplus money in the Treasury?" Is not the same solicitude manifested from all quarters of the country, and by all who witness the deliberations of this body? If, then, that question is deemed so vital to the purity of the Government, and so important to its faithful administration, it cannot fail to appear to every one, that this leading and absorbing subject, which tends to the purpose, at least one of the purposes, of disposing of the surplus funds of the Government, should be placed in such a situation as that the opinion of this House may be indicated, and the vote of members be taken upon the main question, without the hazard of getting no vote at all upon that question.

It is, then, of importance to the country and to Congress that this bill should be acted upon as speedily and effectively as its nature will admit of. But while it is important in this point of view that this House should come up at once to the matter before them, it is not less important to the States, with reference to the ulterior disposition which they may make of their proportionate share of these proceeds, upon the supposition that the bill should pass into a law, that it should be known what is to be its fate. If the bill should pass into a law, and pass in season, the Legislatures of some of the States may convene, (such at least may be the case in the State of Pennsylvania,) and be in session in sufficient time to pass upon the subject, which, in that event, would become an interesting question, and worthy of immediate consideration by the Legislatures of the respective States. In this aspect of the matter, this reform, in my apprehension, acquires additional consequence, and in this point of view, also, I hope it will be considered by this House.

Sir, (said he,) I have but little more at this time to trouble the House with. These are my reasons for urging the reference of this bill to such a committee as will give to it the attention of all its members, and insure the vote of members on one side or the other without delay; it is not speeches that are wanted. Upon this I was forcibly struck with an observation of the honorable gentleman over the way, [Mr. ADAMS,] at the early part of the session; I have since thought it one of the most essential truisms which has been pronounced here this session: "that all would agree that a vote was of more consequence here than a speech." In conclusion, sir, I have only to appeal to gentlemen to come up and meet this question fairly and independently; it is scarcely to be supposed that an opinion is yet to be formed, or a vote to be changed, by any thing that will be said or done in relation to this subject. The trust is confided to us of acting, and so to act as to advance the public interest; that when a public measure is in itself unworthy of the sanction of this House, to put our negative upon it by means direct; but, if it be meritorious, to carry out the means of making it effectual.

Mr. WILLIAMS, of Kentucky, gave the reasons which had induced him to move to refer the bill to the Committee of the Whole on the state of the Union. He wished to be permitted to remark, although it might seem somewhat strange to some gentlemen, that this bill was not a very favorite measure with him; notwithstanding, he thought it probable that he should vote for it. There were objections to the bill which he should like to see removed; still he did not know but he should be induced to vote for it. He was opposed to referring the bill to the Committee of Ways and Means, because he considered that to refer it to that committee would be tantamount to a rejection of it. That committee, he believed, never would report it to the House, but would hold it back, as they had done another measure of his which they had in their possession.

Mr. CAMBRELENG explained. It was true that the committee had not reported on that gentleman's resolution. He hoped, however, that the committee would not be censured for this, because it must be admitted by all, that the report which he was instructed shortly to make would be much more satisfactory to the House and to the country than a report could have been in February last, as they would have a much better knowledge of the state of the finances now than they could have had then.

Mr. WILLIAMS said the explanation was not satisfactory, as his proposition, which the Committee of Ways and Means had under consideration, did not specify a single dollar that was to be disturbed. It only proposed to distribute the surplus; and if there was no surplus at the end of the year, there would be no distribution. Mr. W. contended that there was no necessity to refer the bill to one of the standing committees of the House, but that it should be referred to the Committee of the Whole on the state of the Union, where it could be discussed, amended, and acted upon at the present session.

Mr. BYNUM said the course taken by gentlemen on the present occasion was such that he was disposed to doubt their sincerity. It appeared to him that they could not believe their own assertions. The gentleman who had just addressed the House, and the gentleman which addressed the House yesterday, [Mr. GRANGER,] had told them that it was important that the subject should be acted upon immediately; that the country required immediate action. Did those gentlemen suppose that they could carry a measure like this, without there being sagacity enough among the democracy to detect its fallacy? It was a mistake; the democracy were not so simple as the friends of this measure seemed to suppose. The gentleman who addressed the House on yesterday wished to have the House act on the bill immediately. He said, pass the bill now, and it becomes a law. Now, he would ask gentlemen if they believed this; or if the people of the country believed it? He would ask every honest man of that House; he would ask the gentleman from New York, and the gentleman from Kentucky, whether they believed that this bill would become a law, even if it did pass the House this session? No; they well knew the President would veto it. Had he not already vetoed a similar bill? Yet this firm old man, who never swerved when he once made up an opinion, was to be persuaded by these gentlemen to sign this bill. He thought gentlemen could not entertain the opinion that this bill could become a law, with these facts staring them in the face. They could not pass this bill into a law. The people did not believe it; they were too intelligent to believe it; and upon that intelligence depended the preservation of the liberties of the people. So much for the necessity of speedy action. Had the bill been discussed sufficiently to throw all the light and information before the people of the country which was necessary? If it was for the interests of the people of the

country, let them have all the facts before them; and let them decide upon it again, as they had already done. Let us give all the information which can be procured to the people, and then let them decide. But, say gentlemen, we are prepared to vote now, because the bill has been passed in the Senate, and came from the Senate. No doubt they were prepared to vote upon it, because it was the offspring of their oracle. It was the very hobby which was to give them success. It was made the hobby by every species of politicians. This was the little pony which the anti-masonic party, the national republican party, the abolition party, the no-party party, and many other parties, were to ride; and he feared that the little pony would be so burdened that he would break down and leave them all. Mr. B. would let the facts go to the people; and let them take the matter in hand, and say whether this little pony was to carry all these parties into office or not. He asked if the proposition to refer the subject to the Committee of Ways and Means was an unusual proposition? When a bill was sent from one House to the other, the usual course was to refer it to one of the standing committees. He cited the fortification bill, which had passed the House by an overwhelming majority; yet when it went to the other branch of Congress, it was referred to the proper committee. Then, certainly, they had a precedent for this case, and from a body which always, in the opinion of the advocates of this bill, did things in a proper manner. It was not an unusual course for the bill to take. It was the uniform practice, when bills were sent from one House to the other, to refer them to some select or standing committee. Unquestionably this was the proper course. There was a great difference of opinion as to the amount of money to be distributed. Some contended that there were at present thirty or forty millions of dollars in the Treasury, whilst others did not believe there was more than half that amount. Under these circumstances this bill comes into the House, and gentlemen say they are prepared to vote for it because it had passed the other branch of Congress, and they took it for granted that there was this amount of money in the Treasury. But, Mr. B. said, there were some of them in that House who were not prepared to take every thing for granted which came from that branch of the Legislature of the nation. The gentleman from New York [Mr. GRANGER] objected to sending this subject to the Committee of Ways and Means. He presumed it was not desired by that gentleman to have the subject discussed and investigated by the Committee of Ways and Means. Mr. B. said this committee was constituted for the special purpose of investigating subjects of this kind. They obtained information from the Departments, and laid it before the House. The documents were obtained and laid on the table; and if gentlemen wished, they could have extra copies printed to send out to the people, who would have to decide upon the subject at last. But gentlemen say they do not wish this, because they have no confidence in the report of a committee of this House.

Well, in reply to that, Mr. B. would say that he had no confidence in a majority of the other branch of Congress, in regard to this subject. He was aware that there were some gentlemen who had no confidence in reports from committees of that House; and he supposed gentlemen were afraid to have the bill referred to the Committee of Ways and Means, where they thought it would be reported upon in such manner as to prevent its being acted upon at the present session. It appeared to be the object of gentlemen to get the bill into Committee of the Whole, where they could get up and make what bold assertions they pleased, and send out those assertions to the people of the country, perhaps in the very face of the facts. He was astonished to hear gentlemen make assertions about there being forty or fifty millions of surplus revenue. They must think that the people had very short memories to believe such assertions as these, especially when they were made by the same gentlemen who, but a short time ago, had told them that the Treasury was empty and the Government bankrupt, and that there would have to be levied additional taxes, in consequence of the removal of the deposites. These gentlemen had told the people that the President was a usurper, that the country was ruined, and the people were impoverished, and the people were called upon to hurl him from office. But what was the language held by the gentlemen now? Why, that the Treasury was overburdened with its surplus; and, unless they would take the money out of the Treasury, that the people would be ruined, and that the money would be squandered by the party. Did gentlemen believe they could affect injuriously the party by such assertions? Why, unless the people were the ignorant, contemptible beings that these gentlemen would have them to be, they never could injure the party in this way. The people have more intelligence and more sagacity than those gentlemen think them to have. The gentleman from New York on yesterday had stated that the President had made a promise that he would distribute the surplus funds among the States. Now, Mr. B. would tell the gentleman that the President had made no such promise. The words the gentleman used were neither the words of the President, nor the substance of his words, as used in the message of 1829. The President then did say that he made these suggestions to the American people; but at the same time he gave them to understand that he doubted the constitutionality of the measure.

Mr. B. would state another fact for the information of the gentleman from New York. It would be recollected that the President, in one of his messages, said something about a national bank, and rather intimated that such an institution could be established as would be of service to the country. But the party collar men, as they had been called, were not so bound up that they would support that measure. The President, finding that the measure was pregnant with consequences not foreseen by him, abandoned it. The proposition contained in this bill was a new subject; one to sweep from the Treasury the whole of the funds of the nation; yet gentlemen come forward and say they are ready to act upon it without opposition. Now, gentlemen certainly must know as well as he did, that this bill could not become a law so long as Andrew Jackson was President of the United States.

Mr. BYNUM was here interrupted by the announcement of the arrival of the hour for proceeding to the orders of the day,

When several bills from the Senate were, by consent, read twice and committed.

FORTIFICATION BILL.

On motion of Mr. CAMBRELENG, in further execution of the special order of the 26th of January, the House resolved itself into Committee of the Whole on the state of the Union, and proceeded with the consideration of the bill making appropriations for the fortifications of the United States for the year 1836, (Mr. MANN, of New York, in the chair.)

The question pending was the amendment of Mr. CAMBRELENG, to insert an additional clause in the bill, appropriating the sum of $700,000 for the armament of the fortifications.

Mr. FRENCH, who was entitled to the floor, addressed the committee as follows:

Mr. Chairman: I am happy in having obtained the floor, not that I am vain enough to suppose that any thing that I could say would be either new or interesting to the members of this committee, but because the subject

embraced in the bill under consideration is one of the first importance to this country, and because the opportunity is now afforded me of presenting to my constituents and to the nation my views in relation to some of the prominent measures of public policy called for by the exigency of the times. Sir, no one has addressed the Committee of the Whole on the state of the Union, or the House, this session, whose situation presents a stronger appeal to the indulgence and patience of the committee than does that of the humble individual who now addresses you; an appeal which I am sure will not be made in vain on this occasion. The invaluable maxim, coeval with the existence of this Government, recommended by the Father of his Country, and whose moral force ought now to influence us all, "In peace prepare for war," demands our first notice. A cherished maxim, indeed, but one which, during the present session, has received from honorable members different versions; a maxim, sir, which will never benefit this country, unless its warning voice be heeded by Congress. My interpretation of its meaning is, that in time of peace, observing a proper scale of economy, and not forgetting the nature and genius of our free institutions, you are to apply so much of the public revenue to objects of national defence as will, in case war come, place our country in a situation, with the least possible cost and the greatest efficiency, to defend itself from all harm. Not, sir, that the President of the United States, or those friendly to his administration, cherish the visionary expectation, or subscribe to the exceptionable policy, (attributed to him by some,) of placing a breastwork of fortifications along our whole seacoast. Such a system of defence would lead to a large standing army in time of peace, always dangerous to liberty, and to increased taxation, to both of which measures I stand opposed; a system, too, sir, which, if put into execution, would cost a larger sum of money than the whole amount of revenue to be collected by this Government for the next fifty years to come.

But, sir, although we cannot indulge the belief that this enlarged system of national defence, even if it were sound policy to adopt it, will or ought to prevail, yet there is a system of national defence, within the reach of the Government and its means, which comes recommended to us by the past history and policy of this country. It consists in the gradual increase of your navy; in the repair and armament of your existing fortifications, in the construction of others at those great commercial points and other important and exposed positions upon our seaboard, where in case of war an enemy would seek to land, and where, if he should land, he could do us the greatest injury; in keeping in good repair your military posts; in the construction of others where mostly needed on your frontiers, and in so organizing and training the militia of the States as to give to them the greatest possible efficiency in time of war. Yes, sir, the citizen soldiers of this Union constitute its greatest bulwark of defence. But, to realize the full measure of benefits from them, it is necessary that they should be taught a knowledge of military tactics and of improved discipline. One of the great and peculiar excellences of our Government is, that whilst it looks to your citizens as its greatest military strength and security, it makes its appeal to them, upon all occasions, by addressing all the motives for which freemen ought to desire to live.

Sir, I beg leave to read to the committee a communication from the Secretary of War, made to the Hon. C. C. Cambreleng, chairman of the Committee of Ways and Means, on the 21st January, 1836, and printed by order of the House:

"Sir: I have the honor to enclose, for the consideration of the Committee of Ways and Means, an estimate prepared by the colonel of the ordnance department, of the funds which appear to be necessary to be appropriated for the armament of the fortifications for the present year. This estimate is based upon two propositions: first, that it may be necessary to mount 2,679 cannon, in which case an appropriation of $1,581,314 will be required; and, secondly, that the number of cannon wanted will be 2,444, and in which case the appropriation required will be $1,224,301. My own opinion is, that the smaller amount, viz: $1,224,301, is the one which it would be proper to appropriate; and this sum includes the estimate of $200,000, already submitted to the committee for the armament of the fortifications. But all the other estimates of the ordnance department will remain for the consideration of the committee, as though this increase had not been asked for. I am instructed by the President to say that he has examined and approved this estimate, and directs that it be transmitted to the committee, for their examination and decision."

I also hold in my hand, Mr. Chairman, a letter from the Secretary of War, on the armament of fortifications, dated May 2, 1836, and printed by order of the House, enclosing a communication from the inspector general's office, from which I beg leave also to read the following extract:

"Sir: In answer to the communication of the honorable C. C. Cambreleng, dated 29th ultimo, referred to this office, I would make the following report: To the inquiry as to the number of cannon necessary to arm the fortifications which are now in readiness to receive them, or which will be in readiness in the course of a year, I would answer—to complete the armament of the forts now in readiness, and those which might be placed in readiness in the course of a year, would require about two thousand four hundred guns, and would cost, exclusive of what has already been expended, about one million two hundred thousand dollars. This sum, however, includes the expense of carriages, one hundred rounds of ammunition of every description for each gun and carriage. If this sum (one million two hundred thousand dollars) had been appropriated in January or February last, so as to have enabled the ordnance department to have made its contracts earlier in the season, the whole sum might have been properly expended within the present year. But as the season for making contracts to advantage has far advanced, both as it regards materials and workmen, I do not believe that more than six hundred thousand dollars could be advantageously or judiciously expended within the year. But to avoid hereafter unnecessary delay, and to enable the department to carry on its operations economically and without interruption throughout the present and coming year, I will recommend that at least fifty per centum be added to the above sum, which would increase the amount to nine hundred thousand dollars."

Sir, a soldier without arms cannot fight—your fortifications without guns are useless. Unless your fortifications are kept in good repair and armed, the millions of money expended by the Government for their construction are lost to the country. I therefore, sir, have felt it my duty this session to vote for your navy bill, your army bill, and shall vote for your fortification bill. The loss of the fortification bill at the close of the last session imposes upon us the double duty to pass this.

Mr. Chairman, my honorable colleague, [Mr. Adlan,] who opened the discussion upon the Kentucky resolutions, was pleased to summon to the bar of his judgment the President of the United States, and his administration, for trial. As all trials imply the obligation to administer justice, and justice alone, I did expect it from him. In this reasonable expectation, however, I was disappointed. The President and his administration were held up

before the House and the people as a glaring example of violated pledges solemnly made, and a sweeping sentence of condemnation was pronounced against him in his official capacity and his administration. Sir, I have no right to complain, and do not complain, that my colleague exercised a right which belonged to him, of freely and fully examining into the official conduct of the Chief Magistrate, and the principles and policy of his administration. The right exercised by him is essential to the maintenance of civil liberty and of free government. But I complain of the injustice done to the President and his administration, by my colleague, in having most carefully avoided to tell the House or the people, of a single good act that he had done. Both sides of a case, sir, ought to be presented, if justice be the object. My colleague, therefore, ought to have sent out the good fruits of the administration with those which he alleged to be evil. That course would have recommended his exposé to the ready acceptance of the people, from its intrinsic and obvious fairness, and have conducted them to a more satisfactory and correct conclusion of the character of the present administration, and of the principles and policy upon which the General Government has been administered. As, however, the object of my colleague seems to have been to call down upon the administration popular disfavor, and as I am one of those who, at an early day, in Kentucky, became the supporters of the present Executive, and in that character, in common with his other friends, am embraced in the sentence pronounced, I must be allowed in self-defence to vindicate myself and the administration from its effects, to send along some of the good with the evil, and thereby do myself at least that justice to which I consider myself entitled. In doing so, Mr. Chairman, I shall follow the example of my honorable colleague, and carefully abstain from all personality whatever, either towards him or any body else.

In the commencement of his attack, he read to the House an extract from the letter written by General Jackson, as far back as the 12th of November, 1816, to the honorable James Monroe, in which the general informs Mr. Monroe, "now is the time to exterminate that monster called party spirit." In which he also said, "by selecting characters most conspicuous for their probity, virtue, capacity, and firmness, without any regard to party, you will go far to, if not entirely, eradicate those feelings which on former occasions threw so many obstacles in the way of Government, and perhaps have the pleasure and honor of uniting a people heretofore politically divided. The Chief Magistrate of a great and powerful nation ought never to indulge in party feelings." Sir, the letter from which the extract just read is taken is lengthy, and a correct knowledge of its true character cannot be had, without knowing more of its contents and objects than the extract read by my colleague or myself presents. I therefore beg leave to trouble the committee with reading more of it.

"Sir, permit me to introduce to your notice Lieutenant Gadsden, who will hand you this letter, and who is also the bearer of the treaties lately concluded with the Creeks, Chickasaws, and Cherokees.

"In my last to you, I took the liberty of drawing your attention to the benefits that would result, both to the Treasury of the United States, and the defence of the Lower Mississippi and its dependencies, by bringing into market those tracts of country acquired by the treaties above named. I am so deeply impressed with the importance of this subject, that I cannot forego the present opportunity of again bringing it to your view. I have this moment wrote the Comptroller on this highly interesting and important business. If the plan proposed is adopted, the land can be brought into market in a very short time, which will immediately give to that section of country a strong and permanent settlement of American citizens, competent to its defence. Should the Government divide the surveyor's district as proposed, and appoint General Coffee surveyor of the northern, his energy and industry will bring it into market in all June next. Should the district be divided as contemplated, and General Coffee appointed surveyor, it will open the appointment of receiver of public moneys, heretofore promised to the general, which vacancy I warmly recommend to be filled by Lieutenant Gadsden, who, owing to the late, indeed, I might say present, delicate state of his health, is desirous of resigning his appointment in the army. In this, as in all my recommendations, I have the public good in view." After making some other remarks in the letter, in further commendation of Lieutenant Gadsden, he proceeds: "Being deeply impressed with the importance of another subject, which relates to yourself as well as the Government, I hope I may be permitted once more to obtrude my opinions. In filling the vacancy occasioned by the transfer of Mr. Crawford from the War Office to the Treasury, it is of the highest moment that some proper and fit person should be selected: your happinessand the nation's welfare materially depend upon the selections which are to be made to fill the heads of Departments. I need not tell you that feuds exist, and have existed, to an injurious degree, in the Northern army. To fill the Department of War with a character who has taken a part in those feuds, or whose feelings have been enlisted on the side of party, will be adding fuel to the flame, which, for the good of the service, already burns too fiercely. This, and other considerations, induced me to enter on the inquiry for a character best calculated to fill that Department; it has resulted in the selection of Colonel William Drayton. Since my last to you, in which the subject was then named, General Ripley has arrived here, who heartily concurs in the opinion that Colonel Drayton is the best selection that can be made.

"Pardon me, my dear sir, for the following remarks concerning the next presidential term; they are made with the sincerity and freedom of a friend. I cannot doubt they will be received with feelings similar to those which have impelled me to make them. Every thing depends upon the selection of your ministry. In every selection, party and party feelings should be avoided. Now is the time to exterminate that monster called party spirit," &c.

Now, Mr. Chairman, I ask you and the committee, what is the true character of this letter—breathing, as it does, the spirit of an exalted patriotism? Let the objects that its writer had in view determine its character; and what are they? 1st. The speedy bringing into market those tracts of country lately acquired by the treaties above named; and for what purpose? To promote the benefits that would result, both to the Treasury of the United States and the defence of the Lower Mississippi and its dependencies--to give to that section of country a strong and permanent settlement of American citizens, competent to its defence. 2d. To promote the appointment of General Coffee and Lieutenant Gadsden to the offices named; and, 3d. To induce Mr. Monroe to appoint Colonel Drayton Secretary of War, and to give his advice to Mr. Monroe upon the selections which were to be made by him to fill the heads of Departments, remarking to him, that every thing depends on the selection of your ministry. And the letter then concludes with a few general observations, enforcing the advice given.

Yes, sir, the late war with Great Britain had then lately terminated, leaving a load of debt upon the nation to pay. General Jackson was desirous of raising means to discharge it, and at the same time to promote the rapid settlement of the Western lands, with a view to the growth and prosperity of the Western country, and its

defence against the savages. Well might he say, he had "the public good in view."

Sir, all statesmen of all parties, as far as I know, concede the right to the President to select from the ranks of his political friends his cabinet, the heads of Departments. They are his constitutional advisers in the administration of the executive department of the Government; and, to render his administration prosperous, harmony in the cabinet is indispensable. "How can two walk together, except they be agreed?" It is true, sir, that all the citizens of the United States are equally eligible to office, and entitled to equal benefits from the Government. I have inquired of some of the most intelligent citizens of this city into the comparative number of federal offices held by opposition men in this city and in the United States, and of those held by friends to the administration, and I am informed, and believe, a majority of the offices in this city are in the hands of opposition men;* and, considering the numerical strength of parties, that the opposition have their due proportion, if not more, of the federal offices throughout the Union. If so, what just cause of complaint have honorable gentlemen of the opposition against the administration?

My colleague, Mr. Chairman, also read to the House an extract from the letters addressed by General Jackson to the Legislature of Tennessee, resigning his seat in the Senate of the United States, dated 14th October, 1825, in which the general, among other things, informed the Legislature that he fully accorded with them in the contemplated change in the constitution: "And, indeed, would go further, with a view to sustain, more effectually in practice, the action which divides the three great classes of power into independent constitutional checks: I would impose a provision rendering any member of Congress ineligible to office, under the General Government, during the term for which he was elected, and for two years thereafter, except in cases of judicial office," &c.

Sir, this amendment to the constitution has never been made; and now what is the complaint of my colleague? It is, that General Jackson has violated the principles then recommended to the Legislature of Tennessee, by conferring upon members of Congress important appointments under the General Government; and, to prove that violation of principle upon the President, has given us his tables of those appointments and their salaries. Suppose, Mr. Chairman, General Jackson in that letter had suggested to the Legislature of Tennessee an amendment to the constitution, by which the President of the United States should be deprived of having any voice in the passage of laws by Congress, by which the power that now makes it his duty to approve and sign bills passed by Congress, before they have the force of laws, should be taken away forever. Suppose, also, the general, after having given his opinion, had been elected President of the United States, and that he had refused to approve and sign bills passed by Congress, upon the ground that he had given to the Legislature of Tennessee the opinion that the President ought not to have any such power. Sir, in the case supposed, the President would have been impeached and removed from office, if he had refused to approve and sign bills upon the grounds stated, when, by the constitution, it was his sworn duty to do so: he would have deserved impeachment and removal from office. What, then, I ask, is the difference in principle between the case supposed and the case contained in the letter. The amendment suggested in that letter has never been made to the constitution.

* The strength of parties in the public offices at Washington, at the commencement of 1831, was: opposition 173—Jackson 140—majority 33.—*Note by Mr. F.*

By the constitution, members of Congress are eligible to executive appointments. The President is sworn "to preserve, protect, and defend the constitution," as it is, not as he would have it to be. If, then, the President had introduced in practice, what would have been a virtual amendment to the constitution itself, he would have been guilty of the high crime of usurpation; for he would have substituted his individual will in place of the constitution itself, and thereby have assumed to himself to determine, not according to the constitution, but according to his own sovereign will, who were and who were not eligible to office under the General Government. Yes, sir, he would have expunged the constitution itself; for if he could render members of Congress ineligible, the principle upon which he would do that, if carried out in practice, would render all other persons equally ineligible. I must, therefore, be allowed to differ in opinion with my colleague on this subject. I think the President has done right in having administered the constitution as it is; in having followed the footsteps of his predecessors in office, even if some members of Congress have been appointed. To show, however, that the President has pursued a course of appointment warranted by his first annual message, delivered to Congress December 8, 1829, I will read to the committee the following extract, viz:

"While members of Congress can be constitutionally appointed to offices of trust or profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our Government would doubtless be promoted by their exclusion from all appointments in the gift of the President, in whose election they have been officially concerned. The nature of the judicial office and the necessity of securing in the cabinet, and in diplomatic stations of the highest rank, the best talents and political experience, should perhaps except these from the exclusion."

But, sir, to show that members of Congress have been appointed during the term for which they were elected under General Jackson's administration, I request the Clerk to read to the committee the message of the President bearing date the 23d January, 1833, disclosing the same to Congress. This message exhibits the following appointments of members of Congress, viz:

Samuel D. Ingham, March 6, 1829, Secretary of the Treasury; salary $6,000.

John McPherson Berrien, March 9, 1829, Attorney General of the United States; salary $3,500.

John Branch, March 9, 1829, Secretary of the Navy; salary $6,000.

John H. Eaton, March 9, 1829, Secretary of War; salary, $6,000.

Louis McLane, April 18, 1829, Envoy to Great Britain; salary $9,000; outfit do.

Edward Livingston, May 24, 1831, Secretary of State; salary $6,000.

Powhatan Ellis, July 14, 1832, Judge Mississippi district; salary $2,000.

John Biddle, January 10, 1831, Register of Land Office; salary $500, and commissions.

James W. Ripley, January 31, 1830, Collector of Customs; salary $250, fees and commissions.

Not members of Congress when appointed, but had been within the year preceding their appointments, viz:

Martin Van Buren, March 6, 1829, Secretary of State; salary $6,000.

Thomas P. Moore, March 13, 1829, Envoy to Colombia; salary $9,000; outfit do.

William C. Rives, April 18, 1829, Envoy to France; salary $9,000; outfit do.

John Randolph, May 26, 1830, Envoy to Russia; salary $9,000; outfit do.

Philip P. Barbour, October 6, 1830, Judge of eastern division of Virginia; salary $1,800.

Thomas Irwin, April, 14, 1831, Judge of west district of Pennsylvania; salary $1,800.

Levi Woodbury, May 23, 1831, Secretary of the Navy; salary $6,000.

James Buchanan, January 4, 1832, Envoy to Russia; salary $9,000; outfit do.

John Chandler, March 11, 1829, Collector of the Customs; fees and commissions.

George W. Owens, March 11, 1829, Collector of the Customs; fees and commissions, $250.

Selah R. Hobbie, November 1, 1829, Assistant Postmaster General; salary $2,500.

Nicholas D. Coleman, September 7, 1831, Postmaster at Maysville, Kentucky; salary $2,000.

Members of Congress appointed under Mr. Adams's administration, viz:

William Henry Harrison, May 24, 1828, Envoy to Colombia; salary $9,000; outfit do.

James Barbour, March 7, 1825, Secretary of War; salary $6,000.

Philip S. Markley, March 3, 1827, Naval Officer; fees.

Not members when appointed, viz:

Henry Clay, March 7, 1825, Secretary of State; salary $6,000.

Joel R. Poinsett, March 8, 1825, Envoy to Mexico; salary $9,000; outfit do.

Rufus King, May 5, 1836, Envoy to Great Britain; salary $9,000; outfit do.

John F. Parrot, February 24, 1826, Postmaster at Portsmouth, New Hampshire; salary $2,000.

Lot Clark, April 29, 1825, Postmaster at Norwich, New York.

Mr. Adams came into office as President on the 4th of March, 1825, and General Jackson on the 4th of March, 1829.

Mr. Chairman, my colleague called the attention of the House to the letter written by General Jackson to the Governor of Indiana, on the 28th of February, 1828, in which the general avowed himself friendly to the tariff and internal improvements; and to prove the general an enemy to internal improvements, especially in the Western country, referred us to his veto on the Maysville road bill, and the Louisville and Portland canal bill. Sir, I have taken from an official report of the Secretary of the Treasury, made to Congress on the 17th of January, 1835, the following statements of the sums expended on works of internal improvements during the four years of Mr. Adams's administration, and the first four years of General Jackson's administration: Mr. Adams's $1,249,326 56; Gen. Jackson's first term, $2,045,057 08; by which it appears that $704,730 52 were expended on works of internal improvements, not local, but national in their character, more than was expended during Mr. Adams's administration. It also appears, that for the year 1833 the sum expended under this administration for internal improvements was $940,488 95.

Another subject of complaint, Mr. Chairman, grows out of the expenditures of General Jackson's administration, compared with others. It is true, sir, that, as the United States increase in population, States, territory, and wealth, the expenditures of the General Government must increase. Before I proceed, however, to show the causes of that increase, I beg leave to state how much of the public debt Mr. Monroe paid during the last four years of his administration, how much Mr. Adams paid, and how much General Jackson paid during his first four years, viz: Mr. Monroe paid $39,034,452 91, Mr. Adams paid $45,303,533 43, and General Jackson paid $57,754,303 51; by which it appears that Mr. Adams paid of public debt more than Mr. Monroe did during his last four years, by the sum of $6,269,080 52; and General Jackson paid during his first four years more than Mr. Adams did, by $12,450,770 08.

If, sir, you exclude from the calculation of the annual expenditures of the Government the amount paid by each in discharge of the public debt above stated, then the account stands thus, viz: Mr. Monroe's last four years of national expenditures, $42,991,736 17; Mr. Adams's $50,501,913 31; showing an increase in Mr. Adams's time over Mr. Monroe's last four years of $7,510,177 14. General Jackson's first four years, $56,270,480 62, showing an increase of expenditures more than Mr. Adams incurred, of $5,768,567 31; and showing, also, that the ratio of increase in the expenditures of Government incurred by General Jackson during his first four years fell short of that incurred by Mr. Adams, when compared with the expenditures of Mr. Monroe's last four years, by $1,941,607 33; in other words, that General Jackson's first four years, applying the same ratio of increase, was that much more economical than Mr. Adams's was, compared with Mr. Monroe's.

But, sir, what has swelled the national expenditures? I answer, 1st. The sums appropriated by Congress to internal improvements, as I have already shown. 2d. The treaties made with foreign nations since General Jackson came into power. The following is a list of them, viz: treaty with Denmark, March 28th, 1830; treaty of commerce with Mexico, April 5th, 1831; treaty of limits with the same; treaty of indemnity with France, 4th of July, 1831; treaty with the two Sicilies, 14th October, 1832; treaty of commerce and navigation with Russia, December, 1832; treaty of amity and commerce with Siam, 20th March, 1833; treaty of commerce with Chili, September 1st, 1833; treaty of amity and commerce with Muscat, September 21st, 1833; and a treaty of indemnity with Spain, 17th of February, 1834; yielding a sum (I mean those obtaining indemnities) of $7,942,000, to be paid to American citizens for long-standing injuries, and in the case of France for more than twenty-five years. 3d. Treaties with the Indian tribes, a statement of which I hold in my hand, from the War Department, by which it appears forty-two treaties have been made, and the value of the lands acquired by them, at Congress price, is equal to about fifty-five millions of dollars; but valuable as they are, in a pecuniary point of view, the benefits resulting to the Western country by their acquisition, in extending the settlements, trade, commerce, and wealth of the West, are incalculable. 4th. The removal of the Indians to the west of the Mississippi river, and the expenses incident to their settlement, is another prolific source of increased expenditures under this administration.

Sir, the history of the Indian proves that he and the white man cannot live together in peace. Those acquainted with the merciless cruelties of the Indians, experienced by the whites in the early settlements of the West, need no evidence to establish the truth of what I assert. The history of the many Indian wars of the West fully attest the fact, if proof were wanting. The policy, therefore, of separating the savage from the whites, has for its object, the peace, safety, and happiness, of all our population bordering on the Indian tribes; the rapid increase and extension of the far West in power, territory, and national consequence; the preservation of the Indian race, by the amelioration of their condition, and the imparting to them a knowledge of the arts of civilized life. What policy, Mr. Chairman, in reference to the Indian and white man, could evince a higher degree of philanthropy? None, surely. It receives my warmest commendation. 5th. The Black Hawk war, which, from a statement I hold in my hand, from the War Department, cost the Government $1,237,473 87, is a fifth item of increased expenditures under General Jackson. 6th. The gradual increase of the navy of the United States, and

of your military defences, form another item; and, 7th. The millions of money paid to that remnant of revolutionary sires who achieved the liberties and independence of the United States, under the act of 7th of June, 1832, and the many private pension acts passed by Congress, is another (and suffer me to add) meritorious list of new and increased expenditures. Yes, sir, this debt of gratitude to the fathers of the Revolution, who risked their all for the rights of man, is at last about to be paid. And, sir, there is a kindred subject to the one just mentioned, because it grows out of, and may in truth be said to have wound up, the war of the Revolution, to which I must call the attention of the committee. I mean, sir, the obligations that the Government is under to embrace in this debt of a nation's gratitude the old Indian fighters of the Western country. Those worthies, sir, who, with Daniel Boone, from the treaty of peace in 1783 to the treaty of Greenville in 1795, faced the savage foe, and, after expelling him from the country, opened up the valley of the Mississippi for the benefit of man. They, sir, ought also to share the bounty of the Government. Finally, sir, I am happy to find that no honorable member on this floor pretends to charge the administration with having expended one cent more than was warranted by the laws of Congress. And this presents the question, whether, when laws are passed by Congress making large appropriations, and they are faithfully applied to the objects designated in the laws, any blame whatever can or ought to attach to the Executive. He does not make the laws, but is bound to see them faithfully executed; and if any blame attaches any where for extravagances in the public expenditures, it is to Congress. Considering, however, the rapidity with which every thing increases in a national point of view, I am not prepared to say that we ought to cast our censures upon any body; but the rather to express our gratitude for the blessings we enjoy. Sir, to show how the trade and commerce of the United States have flourished under General Jackson's administration, I beg leave to read a statement of the amount of our imports and exports.

	Imports.	*Exports.*
1830,	$70,876,920	$73,849,508
1831,	103,191,124	81,310,583
1832,	101,029,266	87,176,943
1833,	108,118,311	90,140,443
1834,	126,521,332	81,024,162
1835,	149,873,048	121,684,977

Amount of cotton exported since 1826.

During the year ending 30th September—

1826, 204,600,000 lbs.	1831, 276,979,784 lbs.
1827, 294,000,000 lbs.	1832, 322,215,122 lbs.
1828, 210,000,000 lbs.	1833, 324,698,604 lbs.
1829, 264,750,000 lbs.	1834, 384,717,907 lbs.
1830, 298,459,102 lbs.	1835, 386,556,285 lbs.

Mr. Chairman, my colleague attributes the number of State banks and banking companies to the influence of the General Government, or rather to the opposition of the President to the recharter of the Bank of the United States, and indulges in the most gloomy anticipations of the fatal effects of the paper system. I find, sir, up to the 1st of January, 1835, there were five hundred and fifty-eight banks, and one hundred and forty-six branches, with a capital of $231,250,337. When we reflect upon the vast amount of capital in the United States, the pervading wealth arising from the agricultural, manufacturing, and commercial prosperity of this whole country, I think there is but little danger of the anticipated shock. But, sir, ought the Executive to be censured for the existing number of State banks? And does not the censure of the Chief Magistrate equally fall upon the people of the States, who, through their Legislatures, have made the banks? What, sir, is the fact? The President vetoed the bill to recharter the Bank of the United States prior to his re-election. The recharter of that institution was made the great question before the people. They decided at the polls against the bank, by electing the President by a large majority. It was literally a war between the Government of the people and the bank. They wisely preferred their Government. Had they desired it, they could have procured its recharter by electing a bank President and a bank Congress. The great principle at the foundation of this Government is, that the people govern: as, then, the governing power (the people) put down the bank, the censure cast upon the President falls equally upon them in their sovereign capacity. I know my colleague did not intend to censure the people, but such is the effect of his argument. For one, Mr. Chairman, I neither censure the President nor the people. He has done his duty in having faithfully executed the will of his constituents, and the people of the States have a right to do their own business in their own way, and in their own time. They have exercised that right; and if they have made more local banks than in the opinion of some they ought, it is not my province to complain. But, sir, I must be allowed to say, that the cause of civil liberty has much less to apprehend from State banks than from the Bank of the United States, had it been rechartered.

An effort is made on this floor, Mr. Chairman, I will not say to get up another panic, but to alarm the people with the idea that the public money is unsafe in the deposite banks. I will read to the committee an extract from a report of the Secretary of the Treasury made to Congress, April 23, 1816. Speaking of the banks, he says:

"Their whole liabilities and means, whether immediate or otherwise, as compared with those a month previous, and recently communicated to the Senate, appear in proportions equally commendable and safe. Their means of all kinds to meet their liabilities to the Treasury are over four dollars to one; and to meet their liabilities of all kinds, except to their stockholders, about one and a half dollars to one." Sir, the Secretary, in exhibiting the ability of the banks to meet all their liabilities, did right to except the stockholders. They have in the deposite banks $43,690,980 28 of capital stock; and the universal rule of law is, that all corporations, or partners, have first to pay all debts owed by the corporation, or partners, before they can get their stock returned to themselves. If necessary to pay their debts, the stock itself has to go; and, in such case, the loss falls upon the partners. From this report, there are $33,294,024 08 of the public money deposited in them; $152,849,346 79 of means to pay that, and all other debts of the banks. The whole amount of liabilities upon the banks, if you deduct, as I have shown ought to be, the capital of the stockholders, is $109,158,366 51; and when the unexampled prosperity of the whole country is considered, every branch of business flourishing, and a vast amount of capital seeking its investment every where, I cannot bring myself to doubt about the safety of the public treasure, so far as the ability of the banks is concerned. The fact of there being in those banks but $10,885,996 92 of specie, when the other means of the banks are taken into the estimate, is not enough to spread the alarm. The President is not only blamed for the number of State banks now in being, but his laudable efforts to introduce as far as practicable a metallic currency are overlooked by those making the complaint. Sir, I present to the committee a table from the mint of the United States, showing the total coinage at the mint from the year 1795 to the year 1835, inclusive. I find the whole sum to be $61,816,658 48, of which $29,609,823 50 were coined during the seven years of General Jackson's

administration, lacking only $2,597,003 08 of being as much as was coined during the previous thirty-three years. In the years 1834 and 1835, including the months of January, February, and March, of the present year, there were coined at the mint $5,967,525 of gold.

Another of the censures cast upon the administration is, that there is no law securing the deposite of the public revenue, and rendering it legally accountable to the Government. It is true, sir, there is no such law; and why is it that there is none? I answer, because Congress has not passed it. I find, Mr. Chairman, that at the first session of the 23d Congress (the panic session) the majority of the Committee of Ways and Means, to whom the subject had been referred by their chairman, [Mr POLK,] on the 4th of March, 1834, reported several resolutions to the House, viz:

1. "*Resolved*, That the Banks of the United States ought not to be rechartered.

2. "*Resolved*, That the public deposites ought not to be restored to the Bank of the United States.

3. "*Resolved*, That the State bank ought to be continued as the places of deposite of the public money, and that it is expedient for Congress to make further provision by law, prescribing the mode of selection, the securities to be taken, and the manner and terms on which they are to be employed;" and a fourth, recommending the appointment of a select committee to examine into the state and condition of the banks of the United States.

The resolutions were all adopted by the House, upon separate votes taken on each. The minority of the same committee, by Mr. BINNEE, on the same day, (4th of March, 1834,) made their report to the House, which closes in the following words: "The minority are, upon the whole, of opnion that none of the reasons assigned by the Secretary, in his communication to Congress, are sufficient to justify the removal of the deposites. They are also of opinion that it is due to the bank to return them, without regard to the sentiment of the House, upon the subject of recharter. They are further of opinion that the situation of the country requires immediate action by Congress, to restore public confidence, and to prevent a derangement of the currency. And they express to the House their settled conviction that these objects will not be attained if the public deposites are left in the State banks. They think, besides, that the universal voice of the country requires that something shall be immediately done for the public relief, and that the resolutions proposed by the committee will only aggravate the existing evils, instead of producing a remedy." In pursuance of the third resolution, a bill was reported to the House on the 22d of April, 1834, by Mr. POLK, from the Committee of Ways and Means, "regulating the deposite of the money of the United States in certain local banks," which finally passed the House on the 24th of June, and went to the Senate, from whence it never returned. It is scarcely necessary to add, that the friends of the administration were for the bill, and those in the opposition against it.

The President, in his annual message delivered to Congress at the commencement of the last session, recommended the regulation of the deposites in the following words: "The attention of Congress is earnestly invited to the regulation of the deposites in the State banks by law, although the power now exercised by the executive department in this behalf is only such as was uniformly exerted through every administration, from the origin of the Government up to the establishment of the present bank; yet it is one which is susceptible of regulation by law, and therefore ought so to be regulated. The power of Congress to direct in what places the Treasurer shall keep the moneys in the Treasury, and to impose restrictions upon the executive authority, in relation to their custody and removal, is unlimited and its exercise will rather be courted than discouraged by those public officers and agents on whom rests the responsibility for their safety. It is desirable that as little power as possible should be left to the President or Secretary of the Treasury over those institutions; which being thus freed from executive influence, and without a common head to direct their operations, would have neither the temptation nor the ability to interfere in the political conflicts of the country. Not deriving their charters from the national authorities, they would never have those inducements to meddle in general elections which have led the Bank of the United States to agitate and convulse the country for upwards of two years."

The Committee of Ways and Means, to whom the subject had been referred, in conformity to the recommendation of the President's message, on the 16th of December, 1834, reported, by Mr. POLK, their chairman, another bill to the House, "regulating the deposite of the money of the United States in certain local banks." This bill, (it being a short session,) after much struggling by the friends of the administration to pass it, was left with the unfinished business of the session. And, sir, what the course of the Senate was, (a majority of whom were opposed to the administration on this subject,) I refer to the history of the times to prove. It will be found, sir, on examination, that the party in that body in opposition to the administration, as long as any reasonable hope was entertained of rechartering the Bank of the United States, kept that object steadily in view, and labored to make the deposite question the instrument of its accomplishment, whilst the friends of the administration were opposed to that course of policy. I have given this brief account of the matter, Mr. Chairman, to show where the responsibility of a failure to regulate the safe keeping of the deposites by law ought in justice to fall, and to vindicate the administration from the unwarranted imputation of neglect on this important subject.

Mr. Chairman, my colleague, in addressing the House, asked the question, "Can a single instance be found where any one received an office who did not belong to the party?" I will remind him, sir, of the appointment of two postmasters under this administration, in his own county; and that he may know to whom I allude, I will give their names, viz: Colonel Colby H. Taylor and Captain James Pace.*

* Mr. Allan, in replying to Mr. French, on a subsequent occasion, informed the House that his colleague was mistaken in supposing Colonel Taylor was appointed under General Jackson's administration; that he had written to the Postmaster General, and had obtained his letter, showing Colonel Taylor to have been appointed in 1826, under Mr. Adams; when Mr. French rose and explained, by saying that he was as well acquainted in the county in which his colleague lived as he was himself; had often heard it said in that county, and never contradicted, that Colonel Taylor had been appointed under this administration, and, therefore, believed it; and, believing it, had said it. But that since he had the honor of addressing the Committee of the Whole, he had also been to the General Post Office, and requested to be informed correctly on the subject, and then held a letter from the Postmaster General, showing that he was mistaken. He was happy, however, to be corrected in this or any other mistake; but the main fact which he had in view to establish was, notwithstanding the mistake, true: for the same letter which showed when Colonel Taylor was appointed, also showed when Captain James Pace and Thomas Edmonson (both of whom were opposition men, and known both to his colleague and himself in that character) had been ap-

Sir, it has ever been considered an act of justice to select from the different States a due proportion, at least, of the important appointments within the gift of the Chief Magistrate. No State, perhaps, in the Union; none, certainly, considering its federal numbers, has received at the hands of this administration a more libreal observance of the rule than has the State of Kentucky. I appeal in vain to previous administrations for an example of liberality comparable, in point of numbers, to what is exhibited in the following list, viz:

1. Thomas P. Moore, Minister to Colombia, commissioned 13th March, 1829.
2. James Shannon, Chargé d' Affaires to Central America, 9th February, 1832.
3. Robert B. McAfee, do. to New Grenada, 9th February, 1833.
4. William T. Barry, Minister to Spain, 10th April, 1835.
5. J. C. Pickett, Secretary of Legation to Colombia, 9th June, 1829.
6. James O. Harrison, Secretary of do. to Spain, 14th May, 1835.
7. William T. Barry, Postmaster General, 9th March, 1829.
8. John Pope, Governor of Arkansas, 9th March, 1829.
9. Amos Kendall, Fourth Auditor, 21st March, 1829.
10. John T. Mason, Secretary of Michigan, 20th May, 1830.
11. Charles S. Bibb, Judge in Arkansas, 14th March, 1832.
12. Stephen T. Mason, Secretary of Michigan, 12th July, 1831.
13. George Breathitt, clerk to Commission under Convention with Naples, 7th March, 1833.
14. Amos Kendall, Postmaster General, 1st May, 1835.
15. J. C. Pickett, Superintendent of the Patent Office, January 31, 1835.
16. Do. Fourth Auditor, 1st May, 1835.

Sir, I shall not follow the example of some gentlemen, who, instead of discussing the fortification bill, have made it the occasion of going at large into what is called the distribution of the surplus revenue. That is a subject of magnitude in itself sufficient for a separate discussion. I will, however, sir, take occasion to say, that if a bill were introduced to distribute among the States, according to their federal representative numbers, the revenue collected in the form of duties, I should be compelled to vote against it. In order to exemplify my meaning, sir, I will suppose the form of a bill, embracing a principle for which I would not and could not vote, viz: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that a direct tax of $30,000,000 shall be immediately collected from the people of the States, according to their federal representative numbers, to be distributed back to the people of the States from whom it was collected, according to the same ratio; provided, however, that before the distribution shall take place under this act, the costs incident to the collection and distribution shall first be deducted out of the same." Sir, such a bill would introduce upon the people a principle wholly inconsistent with all my notions of the purposes for which the power of taxation was conferred upon Congress; a principle (if such it can be called) which, in its effects, would give to Congress unlimited power over the fortunes and property of every citizen in the United States, and, if practically executed, would paralyze the arm of industry, and subject the people of the States to intolerable oppression and impoverishment; for, sir, if Congress could collect a direct tax of $30,000,000 for such a purpose, she could collect for the same purpose any amount she pleased. I therefore contend, the constitution confers no power on Congress to collect a direct tax for such a purpose. A tax collected in the form of duties is also collected from the people of the States, under that clause in the constitution which declares, "the Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States;" but all duties, imposts, and excises, shall be uniform throughout the United States. And how is it collected from the people? I answer, in the price they pay for all imported articles purchased by them for family use, on which duties are payable. As, then, a direct tax, and a tax in the form of duties, are collected under the revenue power above quoted, they both stand upon the same ground, and can only be levied for national objects, defined in the federal constitution. Neither can be collected to be distributed to the States, or the people of the States, without a violation of that instrument. I therefore will never give my sanction to the introduction of such a principle. But, sir, the friends of the distribution of the nett proceeds of the public lands claim to derive their power to distribute the same from the following clause of the constitution: "The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States."

It is not my purpose, however, now to go into the subject of distribution. I will, therefore, merely observe, that what I have felt it my duty to say in reply to my colleague is not, in any degree, intended to qualify or weaken the remarks which I had the honor to make a few days since upon the subject of the distribution of the nett proceeds of the public lands, when the amendment offered by the gentleman from Virginia [Mr. MERCER] to the civil list bill was pending. I then spoke of the nett proceeds of the public lands only, and not of the revenue collected in the form of duties; and lest it might be thought I would distribute to the States the duties, I have given this explanation.

In presenting this view, Mr. Chairman, of what the administration has done for the country, I have only performed my duty. I do not seek to become the defender, the apologist, or even the eulogist, of the administration or its acts. They speak for themselves, and need not my feeble defence, or the defence of any other man, to to sustain them.

Sir, we know it is no easy task to administer the General Government to the satisfaction of all; and when we consider the untiring and relentless character of the opposition, encountered by General Jackson ever since his election as Chief Magistrate, and the difficulties through which he has waded, it becomes a matter of astonishment that he has done as well as he has. I never expect to see any administration exempt from errors and imperfections. Neither do I claim to exhibit this as perfect; but I claim for it, before its condemnation, a fair and just trial. It was predicted, sir, before his election to the office of Chief Magistrate, that he would involve the nation in war with some of the civilized Powers of the earth. That prediction has failed; we are at peace with all civilized nations. Our commercial relations are most prosperous, the rights and honor of the nation respected, and its character abroad exalted. Sir, we owe it to ourselves to cherish and cultivate a state of peace with foreign Powers. The mild and pacific character of our institutions is favorable to a state of peace. Yes, sir, ours is the land of equal rights, of civil and religious liberty. What nation so blessed with all that is good and great? Ought we not, then, so to live as to evince

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pointed, under this administration, postmasters in the county of Clark.—*Note by Mr. F.*

our gratitude for the rich provision; as to transmit through all time, to our latest posterity, these inestimable blessings, in all their purity; to infuse, by our example, the spirit of liberty to every nation, until they, like ourselves, shall break the fetters by which they are enslaved, and reach the summit of political happiness—freedom of thought, freedom of speech, freedom of conscience, and freedom of action, fortified and secured by free governments, based upon the will of the people.

When Mr. FRENCH had concluded his remarks,

Mr. MAURY took the floor in reply; and, on motion, the committee rose, and the House adjourned.

FRIDAY, MAY 13.

MISREPRESENTATIONS CORRECTED.

Mr. ADAMS rose and said he was under the necessity of asking permission of the House to make another explanation.

Objection being made, Mr. GRANGER moved to suspend the rules for the purpose of allowing the gentleman from Massachusetts to explain; which motion was agreed to.

Mr. ADAMS said it would be recollected by the House that, in the debate on Saturday last, an insinuation had been made by one of the members of the House, that in the negotiation of what was commonly called the Florida treaty, which had been concluded on the 22d of February, 1819, the boundary line of the United States had been placed where it was, instead of being extended further on, in consequence of having been negotiated by him, (Mr. A.;) and, as being a Northern man, that it was his wish to exclude from the United States a portion of territory which would be inhabited by slaveholders, and, if admitted, would send a slave representation here; and that he had stated, in consequence of that insinuation, that the negotiation of the treaty was made in this place, under the immediate and direct eye of James Monroe, himself a slaveholder; that it was carried on partly by personal conferences and partly by correspondence; that Mr. Monroe had consulted at every step his cabinet, both with respect to that boundary and with respect to every other claim on the part of the United States; and that he (Mr. A.) was the last man in that cabinet to consent to any concession; that he considered it a part of his duty to hold on to every claim of the United States, whether of territory or any thing else, until ordered to recede from it; that he further stated, that before the treaty was definitively concluded, and after it had been generally agreed upon, but before the United States were under obligations to sign it, he was directed by President Monroe to call upon General Jackson, and consult him with respect to that treaty, and with respect to that boundary; that he took the treaty to General Jackson's lodgings, and that he kept it some time, perhaps one or two days, (he had spoken from recollection, and with that degree of diffidence which every one must do, so speaking with regard to mere incidental circumstances, at the expiration of sixteen or seventeen years,) but that General Jackson had, after retaining it some time, returned the treaty to him with his approbation of it. This was the substance of what he had stated. This fact had not been denied by the President of the United States; and if he did deny it, Mr. A. should feel himself called upon to produce evidence to prove it of a different character than his own statements at this time. Mr. A. said that this had not been denied by the President of the United States, but indirectly in a newspaper of this city, edited and published by the official printer of this House, and furthermore by the official printer of the Executive Government. There was, in the first place, two days after he had made his statement, an editorial article, stating that several members of Congress, who were not named, had thought proper to call upon the President, and to make inquiries of him with regard to the accuracy of this statement; that they had learned from the President that there must be some mistake in the matter, because he had no recollection of having been consulted respecting that treaty before its conclusion. Please to observe (said Mr. A.) that my statement was not denied; it was stated not by the authority of the President of the United States, but by the authority of nameless persons, members of Congress. They were informed by the President that he had no recollection of this fact; and had stated, furthermore, that if he had been consulted at all, being then in a military character, it must have been in regard to Florida. Sir, that was not the subject of consultation, either with General Jackson or any body else. The treaty contained the cession of Florida, and that was the object, the attainment of which being very desirable, it was to be supposed that some concession to obtain it must, on the part of the United States, necessarily be made. It was not, therefore, with respect to any thing relating to Florida that General Jackson was consulted; but it was precisely with regard to the degree of concession which was to be made to obtain this object. Well, in answer to this statement, as he had before observed, there was no denial by the President of the fact which he (Mr. A.) had stated; but the official printer of the Executive and of this House, in an editorial article in his newspaper, in consequence of this statement of certain nameless members of Congress, had undertaken to make a question of his (Mr. A's) veracity with regard to the fact. He could enter into no controversy with the editor of the Globe, because that newspaper was something like many other newspapers. He might call the editor of that paper the ambassador of the Executive, according to a definition heretofore given to that term; by that definition an *ambassador* was a distinguished person sent abroad to lie for the benefit of his country. He considered that editor in the capacity of an ambassador of the Executive, and with him he desired to have no controversy; and he hoped the House would consider that he ought to have no controversy with him.

But in consequence of this editorial article, one or two days since, he had repeated the statement; and added to it some circumstances with respect to the place where General Jackson lodged at the time; and perhaps he might have stated that General Jackson was in the city when the treaty was signed. It was so stated in the editorial article of the Globe of to-day, and it was also stated that that report was revised and added to by Mr. A. himself. Mr. A. said that when he had explained two or three days ago that two reporters had sent to him to revise his remarks, one a reporter for the Globe, the other a reporter for the Intelligencer, and in one of those two reports observing these words "that General Jackson was here," he had inserted "at or near that time." It was possible that he might have said that General Jackson was in the city when the treaty was concluded; but he was perfectly aware that General Jackson did leave this city for the North near the time the treaty was signed, and did not return to this city until after that event. He had now no doubt of the fact, and that it was as stated in the paper before him, that General Jackson was not in the city on the day when the treaty was signed.

Now, with the permission of the House, he would consider this second article in the Globe as authorized by the sovereign of this ambassador, that is, by the President of the United States; and he wished the House to understand him as speaking to the President, in reply to what was stated here. He did so, because the editor, in preparing this article, had been allowed access to the official documents in the Department of State, for the purpose of contradicting what he (Mr. A.) had said on

a former occasion; or rather the editor had undertaken to say that he had settled this question of veracity. Sir, in undertaking to settle this question of veracity, this ambassador says:

"Mr. Adams, in his speech, published in the Globe of Wednesday, as revised by himself, and amended and added to by his own hand, makes the following precise averments:

"1st. It is stated by him that 'General Jackson was here at the conclusion of this treaty.'

"2d. It is stated by him that 'the treaty was signed on the 22d of February, 1819, and that General Jackson was at that time in this city.'"

The first averment was, that General Jackson was here at the conclusion of the treaty. Now, Mr. A. had not a Globe nor an Intelligencer of that day about him; but in one of those two reports, it would be found that it was stated that General Jackson was here, at or near the time of the conclusion of the treaty. He could not charge his recollection with the precise words he had used, and he might have used the expression as quoted in the Globe; but, upon reflection, it occurred to him that General Jackson had gone to the North about that time; whether before or after the day of the signature of the treaty he could not now undertake to say from memory. He would add, that he had not at this time, and in this place, the documents to prove the material fact of his statement, consisting of his own diary taken down at the time. In consequence of this fact, it was not in his power to bring forward, at this moment, his proof. All he had said heretofore, and what he said now, was merely founded upon his own recollection, without any reference to the documents of that time. These small incidental circumstances, however, had no relation with the question of veracity; and if there had been some little inaccuracy in relation to immaterial circumstances, he hoped the House and the country would not consider the question as involving his veracity. But he observed again, that this being the first incident upon which this ambassador contradicts the whole statement, that is the explanation with regard to this fact. Mr. A. was satisfied that General Jackson was not in the city at the time that the treaty was signed. He was absent on a tour to the North.

The editor went on repeating what Mr. A. had said, as follows:

"After the treaty had been framed, and ready to receive the signatures of the contracting parties, but before there was any obligation upon our part to sign it, by the express direction of Mr. Monroe, he (Mr. A.) took the treaty, drawn up as it was, to General Jackson, not as to the military commander of the army of the United States, but as to a highly distinguished citizen of the United States, who, being here at the time, the then President of the United States thought proper to consult upon a subject of such great importance. He took the treaty to him at his lodgings, which were in a house at that time kept, he believed, by Mr. Strother. He took and delivered that treaty into the hands of General Jackson, with the particular request from Mr. Monroe that he would read it over, and give his opinion upon it. He would state, further, that General Jackson kept the treaty some time, possibly not more than one day, but he kept it a sufficient time to form a deliberate opinion upon it; and that he (Mr. A.) called upon him after a day or two, and that he returned the treaty, with his approbation of that particular boundary."

Now, he would ask the House to observe that this commentator went on to say—

"The public will mark the particularity of this phraseology. 'After the treaty had been framed and ready to receive the signatures, he took the treaty, drawn up as it was, to General Jackson, he being here at the time. He took the treaty to him at his lodgings, which were at that time kept, he believed, by Mr. Strother. He took and delivered that treaty into the hands of General Jackson. He would state, further, that General Jackson kept the treaty some time, possibly not more than one day, but he kept it a sufficient time to form a deliberate opinion upon it. He (Mr. A.) called upon him after a day or two, and he returned the treaty, with his approbation of that particular boundary.'

"These are certainly the most precise and special set of allegations ever penned. We will proceed to show that in every material point they are absolutely untrue.

"The following note, which we have copied from the records of the State Department, shows that Mr. Adams first submitted his project of the treaty to Mr. Onis on the 13th of February, 1819:

"'Mr. Adams presents his compliments to Mr. Onis, and has the honor of proposing for his acceptance the counter-project enclosed, upon which Mr. Adams requests as early a decision as may be convenient to Mr. Onis. Mr. Adams regrets that he is prevented, by the indisposition of Mr. Onis, from delivering this paper in person to him.

"'DEPARTMENT OF STATE, *February* 13, 1819.'

"On the 19th February, 1819, the treaty was 'definitively drawn up and acceded to by the President,' as is shown by this note:

"'Mr. Adams presents his compliments to the Chevalier de Onis, and has the honor of sending him a copy of the treaty as definitively drawn up and acceded to by the President of the United States, in our language, to which it will be necessary to have the Spanish copy made conformable. Mr. de Onis will perceive that the President has consented to several of the modifications proposed on the part of Mr. de Onis, and by him; the rest have, on full deliberation, been concluded to be inadmissible. Any variation from the draught now sent could have no effect, other than of leading to new discussions, which would defeat the common object of coming to an immediate conclusion. As soon as the Spanish copy shall have been prepared, Mr. Adams will thank Mr. de Onis to have the originals in both languages made out, so that they may be executed next Monday morning; and every assistance from this Department will be given to effect that object.

"'DEPARTMENT OF STATE, *February* 19, 1819.'

"From this note it also appears that Mr. Onis was 'to have the originals in both languages made out, so that they might be executed next Monday morning,' which was 22d of February. This was done, it appears; and from the following paragraphs of the National Intelligencer, it seems that it was ratified on the same day by the Senate:

"'It is said, and we have no doubt correctly, that the President of the United States yesterday laid before the Senate a treaty recently concluded between Mr. Secretary Adams on the part of the United States, and Don Luis de Onis on the part of Spain, for a cession of Florida to the United States.'—*Nat. Int. February* 23, 1819.

"'It is seldom that we have so acceptable an office to perform as that of announcing to our readers the unanimous ratification, by the Senate, of a treaty of amity, settlement, and limits, between the United States and Spain, as recently concluded at this place, by Mr. Secretary Adams and Don Luis de Onis.'—*Nat. Int. February* 25, 1819.

"From these documents, then, it appears that Mr. Adams submitted his project to Mr. Onis on the 13th of February; that it was discussed between them until the 19th, when it was 'concluded;' that the treaty was not 'drawn up and ready to be signed' until the 22d.

"General Jackson was not in this city at any point of time referred to by Mr. Adams in his statement to the House. He was not here when the treaty was 'concluded;' he was not here when 'it was drawn up and ready to receive the signatures;' he was not here when it 'was signed;' nor was he here at any point of time before it was signed, and after it was drawn up, so that he could have received it from the hands of Mr. Adams, read it, and given it his approbation. He left this city on the 11th of February, 1819, and did not return until the 1st of March, as the following extracts will establish beyond doubt:

"'Major General Jackson and his suite, consisting of several officers, left this city yesterday morning for Baltimore, on a tour northward.'—*Nat. Int. February* 12, 1819.

"'Major General Andrew Jackson and suite arrived in this city last evening.'"—*Balt. Patriot, February* 12, 1819.

Now, (said Mr. A.,) please to observe, the treaty was sent to Mr. Onis for signature on the 13th of February, and if he had so signed it, the United States were bound to sign it also. What was his statement? After the treaty was drawn up, but before there was any obligation on our part to sign it, he had taken it to General Jackson. Well, General Jackson left the city on the 11th of February, 1819, and Mr. A. had sent the treaty to Mr. Onis to sign on the 13th. Now, where was the inconsistency of this with the statement he had made to the House? He had stated that the treaty had been prepared and ready to be signed, but that we were under no obligations to sign it when he presented it to General Jackson. The proof was, that General Jackson left the city on the 11th of February, and that two days afterwards he (Mr. A.) had sent the treaty to Mr. Onis to sign, and that it was a counter-project to a project which Mr. Onis had sent to Mr. A. before. Why, the treaty had been under negotiation for three months before it came to that stage; and from this document he should infer, what he believed was the fact, although he did not venture so to state it, that the sending of it to General Jackson was the last act of Mr. Monroe, before sending it to Mr. Onis for his signature.

He believed he had sufficiently explained to the House what might appear to be inaccurate in what he had said heretofore, and he hoped it would satisfy the House that he had made no statement, of any consequence or materiality, that was in the smallest degree contradicted by any thing produced in that paper; and that if the official documents produced were correct, they go to confirm the statement he made, instead of conflicting with it.

Mr. HUNTSMAN asked the consent of the House to make a statement in reference to the remarks of the gentleman from Massachusetts who had just taken his seat.

Objection being made, Mr. HUNTSMAN, moved to suspend the rules to enable him to accomplish his object; which was agreed to: Yeas 111, nays 41.

Mr. HUNTSMAN addressed the House as follows:

Mr. Speaker: I am sensible of the polite indulgence shown to me by the House, in granting the privilege of reply to the gentleman from Massachusetts, for which I am grateful. It is with the deepest regret I feel that I am called upon, as one of the Tennessee delegation, who, in common with my constituents, feel an interest in the public character of Andrew Jackson, to notice one of the statements that have been uttered by the gentleman from Massachusetts in relation to the President of the United States. The substance of the remark, when divested of its classicality, and laying bare its substance, is this: That General Jackson uses the editor of the Globe as an ambassador, to send abroad and propagate lies for him. I think, sir, in all human charity, if the gentleman had supposed that the President was in error in any statement, even if he had made it, that the error was unintentional; I think he should have as much charity for the President as he now calls upon this House to have for him, in an unintentional error on his part in a statement made to this House a few days since. I do not believe that General Jackson keeps an ambassador to propagate lies for him; and the gentleman from Massachusetts must pardon me if I cannot believe that any body else believes so. The great principle of charity which ought to operate on every human heart would teach us to say that neither the President nor ex-President has been guilty of a wilful misstatement. It is probable that those persons who are approaching the boundaries of threescore and ten cannot have that retention of memory which belongs to those who are younger in years. But I consider the charge he has brought against the President beneath the dignity of the high character and the many exalted stations the gentleman has filled in his country's service, and, I might say, with honor to himself and benefit to his country, in many instances. It was with perfect astonishment I heard the allegation from him, to which I have taken exception. The expression to which I have taken exception seems to impeach the veracity of the President. So far as I ever heard, his character for veracity stands unquestioned. Can the gentleman from Massachusetts say as much? I apprehend not. It seems, Mr. Speaker, that the high and distinguished personages of this Government have their troubles as well as we who are of the smaller fry. If my recollection is not at fault, some fifteen or twenty years ago, shortly after the conclusion of the treaty of Ghent, the gentleman from Massachusetts was engaged in a question of veracity with another gentleman, who has long occupied, and perhaps justly, a very exalted situation in this country. What became of the question? It was adjourned over, and a book was to be written about it. Now, let us have the book. If it is not forthcoming, I may introduce a resolution here calling for the book. It would be equally proper with many resolutions which had been introduced in this House. General Jackson has stated he has no recollection of the transaction alluded to by the gentleman. Every one acquainted with the President, the manliness of his character, and the frankness with which he always utters his sentiments, will at once conclude that if such a transaction ever took place, and he had recollected it, he would have so stated at once.

But, Mr. Speaker, I most solemnly protest against a practice which is prevailing in this House to an extent detrimental to the public business. On every occasion, when a member for his conduct is called in question by a newspaper paragraph, instead of hunting up the editor or the author, and either having it explained, or taking measures with him or them, why, sir, the member comes into the House, and, to the interruption of all other business, calls upon the House, in deep and doleful terms, to suspend the business of Congress until he unfolds his tale of private griefs in more sympathetic strains than Jeremiah did in writing his longest chapter of Lamentations. Now, sir, if the gentleman thinks General Jackson has injured him, I advise him to go and tell General Jackson so himself; that is the manly mode of doing business in the West. To pour out his complaints and charges here, when the party charged can neither hear nor answer the charge, is not the sort of chivalry that I admire. Now, as these old gentlemen are about of an equal age—both have filled many important stations in the Government—the one President, the other ex-President of the United States; let the gentleman from Massachusetts go and demand satisfaction from the President himself; I have no doubt the President will give him any sort of satisfaction; I will agree, crippled as I am, to

underwrite for General Jackson. He will explain matters and things fully to the gentleman. This is the mode that I, humble and unknown as I am, had to take, not long since, with the editor of the Telegraph. An article appeared in that paper, charging me with being a partisan, and other things. Supposing the editor was mistaken or misinformed, I called upon him, and he promptly published an explanation which I furnished for that purpose. I think charity, good feeling, good neighborhood, and social relations in life, all require that if we feel injured, we should first inquire if it was intentionally done. Is there any explanation to give? If so, receive it; if not, settle your difference out of this House; shed no crocodile tears here. I have heretofore voted to give individual members the privilege of venting their complaints here; but, if my Maker will forgive me for that error, I will offend in the like case no more; and I hope it will be the last occurrence of the sort in this House.

Mr. Speaker, one observation more, and I shall close my remarks. From the high standing of the gentleman from Massachusetts, I have a right to suppose that the expression made by him, to which I have taken exception, was made under the influence of deep excitement, and without due reflection. I cannot believe that he himself will consider that he has done justice to General Jackson in this particular. If he possesses the justice and magnanimity that we have a right to expect, the charity for others that he has just claimed of us for himself, the gentleman will immediately withdraw the charge, and act by others as he would wish others to act towards him.

The House then went into Committee of the Whole upon a large number of private bills; which having been gone through with, they were reported to the House, and ordered to be engrossed.

The House then adjourned.

SATURDAY, MAY 14.

DEPOSITE BANKS.

The resolution heretofore reported by Mr. OWENS, from the Committee of Ways and Means, fixing a day for the consideration of the bill regulating the deposites of the public moneys in certain local banks, was taken up.

Mr. OWENS proposed to amend the resolution by providing that the foregoing bill should be made the special order from one o'clock on the day succeeding the disposition of the appropriation bills, and should be considered from day to day until disposed of. Mr. O. adverted to the importance of the bill, and hoped that the resolution would be adopted.

Mr. VINTON moved to amend the amendment, by providing that, previous to acting on the deposite bill, the bills now on the Speaker's table should be disposed of.

Mr. MILLER moved to postpone the resolution until Monday; lost.

Mr. TOUCEY suggested to the gentleman from Ohio to modify his motion so as to confine it to the bills establishing the northern boundary of Ohio, and for the admission of Michigan and Arkansas into the Union. For four years the people of Michigan had been entitled, by the fundamental laws of the land, to be admitted into the Union.

The SPEAKER reminded the gentleman that a question of priority of business was not debatable.

Mr. OWENS had no objection to the amendment proposed by the gentleman from Ohio.

Mr. BOON inquired whether, if the resolution was adopted, it would not interfere with the bill to graduate the price of the public lands. He would object to every proposition which would give precedence to any other measure over the one which he had named.

The morning hour having expired, Mr. E. WHITTLESEY called for the orders of the day.

Mr. CAMBRELENG hoped the gentleman would permit the question to be taken on the resolution.

Mr. WHITTLESEY persisted in his motion, and the House passed to the consideration of the orders of the day.

Several engrossed bills were then read the third time and passed.

THE PEA PATCH.

The bill to authorize a compromise, and to secure to the United States the title to the Pea Patch island, in the river Delaware, was read a third time; and the question being on its passage,

Mr. DICKERSON, of New Jersey, rose and addressed the Chair as follows:

Mr. Speaker: I must ask the indulgence of the House for a short time, to express my views upon the subject now under discussion. Some time ago, the honorable gentleman from Kentucky [Mr. HARDIN] made a calculation, by the result of which it appeared that each gentleman, according to a fair distribution, was entitled to occupy but two hours and a half of the time of this House during the session. I have not yet occupied that time, nor do I intend to overrun it during the session; but if by chance I should exceed it, I should feel bound to apologize to my constituents (if not to this House) for the abuse. I would, however, remark, that if we are to be charged only with the time occupied in debating the real merits of the subject-matters under discussion, it might be somewhat difficult to point out the gentleman on this floor who has as yet overdrawn his account.

I did not intend, Mr. Speaker, to enter into the discussion of this matter; but I began to fear that, if New Jersey remained silent upon the occasion, our neighbor Delaware, under the opinion of the gentleman from Kentucky, [Mr. HARDIN,] might really consider herself entitled to her circle of twelve miles' radius around Newcastle; and as she has already ceded to the United States the Pea Patch for fortifications, she might conclude to grant the town of Salem, which lies within the circle, to the United States, for marine barracks, or for some other military or naval purpose.

I am not willing that New Jersey should remain under the imputation thrown upon her by the gentleman from Kentucky, [Mr. HARDIN,] of selling land without a good title; nor am I willing that the rights of these claimants should be further postponed.

New Jersey claims nothing but her just rights, and I think I may with confidence appeal to my friends from New York and Pennsylvania to support me in the assertion that she does not readily yield those rights.

What is the case upon which the House are now called to act?

The subject-matter in controversy is an island, called the Pea Patch, containing about 178 acres of land, situated in the Delaware river, between the States of New Jersey and Delaware, and about ten or twelve chains nearer to the New Jersey shore than to the Delaware shore, and on the Jersey side of the main channel of the river. The title to this island is derived from New Jersey; and it was surveyed and located on the 8th October, 1784, by Edward and Clement Hall, who then took possession of it; and it was in the undisturbed and undisputed possession of the said Halls and those claiming under them from that period until 1817, when Dr. Gale, being then the owner and in the actual possession, was forcibly turned out of that possession by the United States, who claimed the same under a grant from the State of Delaware, and proceeded to erect fortifications

thereon. Dr. Gale, after striving in vain to obtain his rights by compromise or arbitration, commenced an action of ejectment against Major Babcock, who was the officer under the United States having possession of the island, and charge of the works erecting thereon. The proceedings at law were delayed (for causes which I shall explain before I sit down) until 1831, when an agreement was made between the agent of Dr. Gale and the Government, whereby the Government agreed to pay to Dr. Gale $17,000 for the island, upon certain conditions stated in the agreement. Since that agreement was made, the subject has been from year to year brought before Congress, but without any final action until this time. The present bill proposes to appropriate $30,000, for the purpose of enabling the Secretary of War to extinguish the title; and the question is, shall this bill pass? I contend, sir, that we are bound to pass the bill, by reason of the agreement upon the subject, entered into on the 18th February, 1831, and call the attention of the House to the terms of that agreement, which was executed by John H. Eaton, then Secretary of War, and James La Tourette, as attorney for Henry Gale, and is in the following terms:

"It is agreed by James La Tourette, agent and attorney in fact of Henry Gale, on the one part, and John H. Eaton, Secretary of War, of the other part, for and on behalf of the United States, as follows: The United States are possessed of an island, on which is constructed Fort Delaware, situated about seven miles below Newcastle, in the State of Delaware, which island is claimed by Henry Gale. James La Tourette, being agent, and specially authorized to dispose of said island, proposes, and it is agreed to, that the United States Government may examine into said title; and on being satisfied that the right and claim of said Gale is a valid one, shall pay the sum of seventeen thousand dollars; and on payment of said amount, said agent covenants and agrees, to and with the said Eaton, to convey the whole of said island, by good and sufficient title, to the United States. This agreement to be submitted to Congress, and to be binding on the United States, if Congress shall make the appropriation, and the title now held be ascertained to be defective.

"Executed this 18th February, 1831."

It is evident, from perusing this agreement, that it was hastily and unskilfully drawn, but it appears with sufficient certainty that the United States agreed to pay the $17,000 upon one of two conditions: the first condition expressed is, that the United States should be satisfied "that the right and claim of said Gale is a valid one." The next condition is, that the agreement should be binding, if the title held by the United States "be ascertained to be defective."

I insist, Mr. Speaker, that the second condition was the true and honest condition, upon which said agreement was, and of right ought to have been, based; and for this plain reason: the United States found Mr. Gale in possession, and forcibly turned him out; they therefore had no right to put him to proof of his title, but were bound to show a good title in themselves; or in other words, they were bound to show that the title under which they claimed and entered was not defective; and in this construction of the agreement I am supported by the letter of the Secretary of War himself, of the same date, enclosing this agreement to the President, in which he says: "I present to you copies of an agreement entered into with the agent, and propose that authority be given by Congress to have the title inquired into, and if ascertained to be defective, then to be compromised upon the terms stated in the agreement, for which purpose an appropriation will be necessary."

In this letter it will be observed that the Secretary uses the very words of the agreement; and it would have been contrary, not only to all precedent, but to every principle of justice, to turn a man out of the possession of his freehold by strong hand, and then call upon him to show his title. If, then, this be the true construction of the agreement, the next question which presents itself for consideration is, whether the title held by the United States was "ascertained to be defective;" and the House will bear in mind that, by the agreement, it was the duty of the United States to examine into the title; and, in conformity with that part of the agreement, they did examine; and what was the result? In the first place, they apply to their district attorney, General Wall, who says, in a letter to the Secretary of War of December 2, 1833, "I have heretofore had the honor of submitting my opinion in respect to the title of Dr. Gale to the Pea Patch. I think that his title is valid, and that he must ultimately recover against the United States."

They also had the opinion of their former district attorney, J. McIlvain Esq., ine, which he says: "On the whole, it will be found that the islands in the Delaware have never been granted by the sovereign. That in regard to the Pea Patch, Delaware, to say the least, has no better title to it than New Jersey, and that it is a fair subject of negotiation and settlement between the two States." And the Attorney General, Mr. Butler, in his letter to the Secretary of War of 31st December, 1833, says: "The documents submitted to me are sufficient to show that the title derived from the State of Delaware is a doubtful one."

Thus far the United States proceeded in examining the title; and who can contend, with any hope of success, before the House, that the title of the United States is not so far ascertained to be defective. And if further investigation were necessary, it was the duty of the Executive to prosecute that further investigation; they did not do it because they were satisfied, and under the conviction of the justice of the claim of Dr. Gale. They recommended that an appropriation should be made to carry the agreement into effect. And, sir, I insist that Congress were bound, and still are bound, under that agreement, and that construction of it, to make the appropriation.

But if the other condition stated in the agreement be claimed by the United States as the true condition upon which the $17,000 were to be paid, still I contend that, according to that construction of the agreement; and the subsequent promises made by the Secretary of War to the agent of Dr. Gale, we are bound to make the appropriation. I have already referred the House to the opinion of the district attorney, General Wall, deciding that the title of Dr. Gale was a valid one. I would now refer them to a letter written by General Gratiot to the agent of Dr. Gale, dated December 17, 1833, in which, speaking of a letter of the agent as to this agreement, he says: "I am, in consequence, directed by the Secretary of War to say to you that the proposition made in your letter above referred to, will be acceded to, provided the opinion of the Attorney General shall be in accordance with that of Mr. Wall."

If, then, it shall appear that the opinion of the Attorney General was, in effect, "in accordance with that of Mr. Wall," it will present a case, even under the latter construction of the agreement, which calls for the action of this House.

In prosecuting this examination of title, the Secretary of War again calls upon the Attorney General; and I beg leave to refer the House to his further opinion, contained in his letter to the Secretary, of the date of June 16, 1834, in which he says:

"In answer to your inquiry concerning the title of the United States to the Pea Patch island, upon which you have again requested my opinion, by your letter of the 14th instant, I have the honor to state that, upon the

facts disclosed in the statement and opinion of the district attorney, Mr. Wall, I should have little difficulty in coming to the conclusion that the title to this island was, in 1831, in the State of New Jersey; and that, by the act of her Legislature passed on the 24th of November, in that year, it was vested in Henry Gale, the present claimant. Mr. Wall, moreover, differs from Messrs. Rodney and Read in regard to several material facts, and especially to the title and jurisdiction heretofore claimed and exercised by their respective States, in and over the waters of the Delaware. Mr. Wall states that, for more than sixty years, New Jersey has exercised an adverse dominion under a claim of right over the waters of the Delaware, and that the claim and holding have always been to the middle of the Delaware. On the other hand, Mr. Read, in his opinion of the 7th of September, 1818, affirms that the State of Delaware, according to the limits defined in the deed of feoffment from William Penn, which includes the whole island in qustion, and the whole river, has uniformly asserted and exercised jurisdiction over the river to the low-water mark of the State of New Jersey; and the same fact is substantially stated in the joint opinions of Messrs. Rodney and Read, enclosed in their letter to the Secretary of War of the 2d July, 1820."

By this it appears that the Attorney General would have no difficulty in forming an opinion "in accordance with that of Mr. Wall," if Messrs. Rodney and Read, in their opinion, had not asserted that Delaware had "uniformly asserted and exercised jurisdiction over the river, to the low-water mark of the State of New Jersey." If, then, it shall appear that this assertion of Messrs. Rodney and Read is entirely without foundation, it removes the only difficulty which the Attorney General had in forming an opinion "in accordance with that of General Wall."

The first step which I propose to take, for the purpose of proving that assertion to be unfounded, is to show to the House that another assertion of the same character, made by these gentlemen in the same opinion, is unfounded. I refer to that part of their opinion in which they state that "efficient and permanent works are erecting for defence in time of war." Large sums of public money have been judiciously expended, without the slightest notice of an adversary claim.

"The island having been thus rendered valuable to the public, has excited the attention of private individuals, and is now claimed by Dr. Gale," &c.

I submit this assertion of those gentlemen to the House, not only for the purpose of disproving it, and thereby showing that they did not know the facts of their case, and that their statements of fact are not to be depended upon, but to do away the unfavorable impression which this House must have received of Dr. Gale from the fact there stated, that the Government had not the slightest notice of his claim until they had expended large sums of money, and rendered the island valuable to the public. The assertion is wholly without foundation, and I must express my deep regret that gentlemen of the bar of the highest standing, in their zeal for their clients, should so far forget the rights of other parties as to make assertions so prejudicial to their interests, without proper investigation; and that regret, in this instance, is increased from the consideration that the party injured thereby was an humble individual, struggling against the strong, and in this case oppressive, arm of the Government.

I said, sir, that the assertion was without foundation; and, to prove it, I refer gentlemen to the correspondence in the War Department on this subject, showing clearly that this title of Dr. Gale was matter of negotiation with the Department before these expenditures were made. I will not occupy the time of the House by reading this correspondence; but it is here, on my table, subject to the inspection of any gentleman who may wish to examine it.

But why refer to documentary evidence? The fact is notorious that the Government, by their agents, offered to purchase the island of Dr. Gale, and that before they took possession of any part of it; and failing in the purchase, they turned him out by force, and the strong arm of power. So much for the assertion that the Government made these improvements "without the slightest notice of an adversary claim." I am aware, however, Mr. Speaker, that to disprove one allegation of these gentlemen is not conclusive evidence that their other allegation, as to the claim of jurisdiction of the State of Delaware, is equally unfounded. But I would ask of the House, from the nature of the case, what must be the evidence of such claim of jurisdiction, if any such claim were ever made? It must necessarily be found either in legislative enactments or judicial decisions; and as no such laws or decisions exist, I submit to the House that it is conclusive evidence that the State of Delaware never made such claim of jurisdiction; and the only difficulty with the Attorney General being thus removed, his opinion was "in accordance with that of Mr. Wall, and of course, under the promise of the Secretary of War, Dr. Gale had a perfect right to expect the fulfilment of the agreement by the payment of the $17,000.

But the gentleman from Delaware [Mr. Milligan] asks me by what authority the Secretary of War made this agreement? Sir, I will not inquire into the authority. It is enongh for me to know that it was made by the head of the appropriate Department, and by the same authority that wrested, by force, the property from Dr. Gale; and I would suggest to the gentleman that the authority of that officer to turn Dr. Gale out of the possession of his property in the manner he did might with much more propriety be questioned. But, Mr. Speaker, if we throw aside this agreement, and consider it of no binding effect; and if we give the United States the advantage of the possession of the premises, and put the claimants to the strict proof of title at law, they present a case which, to my mind, is clear of all reasonable doubt. Dr. Gale, and those under whom he claimed, had been in the possession and enjoyment of this island, under a deed from the proprietors of New Jersey, for about thirty-three years; and in the year 1831 the State of New Jersey granted to him all the right and title which they had in the same. So that I presume it will be admitted that, if New Jersey ever had the title to the Pea Patch, the claimants now have it. And I now proceed to show that the title was in New Jersey.

It is a well-settled principle of the law of nations, that where a river lies between two States, and is not included within the bounds of either, each holds to the middle of the stream, and the islands existing or arising in such river must be allotted to the State to which they are nearest; and it is a well-settled fact, that the island called the Pea Patch lies nearer, by at least ten chains, to the Jersey shore than to that of Delaware. Of course, the title of New Jersey to this islandi good, unless Delaware can show some grant or paramount title to overcome it. And in order to effect this, I find that they claim by virtue of a deed of feoffment, made by the Duke of York to William Penn, in 1682, describing "all that part of the town of Newcastle, otherwise called Delaware, and all that tract of land lying within the compass or circle of twelve miles about the same, situate, lying, and being, upon the Delaware river in America." In order to establish the fact that they rely upon this deed, and upon it alone, it is only necessary to refer to the opinions of Messrs. Read, Wirt, and Rodney, ac-

companying the report of the committee. The first objection to this title arises from the fact that the Duke of York himself had no title, and therefore could convey none. King Charles never made a grant to him. Mr. Wirt, in his opinion, says upon this subject: "If such a grant ever existed, (which the district attorney for Delaware doubts,) and its production should hereafter become necessary, it may be, I presume, obtained through our minister at London." When the district attorney of Delaware doubts, I think it unnecessary to say any thing more to prove that no such grant ever existed, until those doubts are removed by that district attorney, or some other person who seeks to establish the title of Delaware under that grant. But, sir, the description in this grant covers too much ground. An inspection of the map will show that this circle of twelve miles' radius, with Newcastle for its centre, will cover a considerable portion of the county and all the town of Salem, in the State of New Jersey, which Delaware has not yet claimed, although I will not pretend to predict what she may hereafter do in the premises; for I assert, without fear of contradiction, that if the grant of the Duke of York to William Penn be a valid grant, her title to the town of Salem is as good as that to the Pea Patch.

But, Mr. Speaker, the truth of the case is, and I now proceed to demonstrate it, that the title to the Delaware bay and river, and all islands therein, belonged to the Crown of Great Britain until the treaty of peace of 1783; and if so, the Pea Patch, being nearer to the Jersey shore than to Delaware, belonged to New Jersey according to known and established laws of nations. And for the purpose of establishing that position, permit me, sir, to call the attention of the House to the opinion of Robert Raymond, afterwards Lord Raymond, and Philip York, afterwards Lord Hardwicke; and as this opinion is cited by Messrs. Read and Rodney, I trust its authenticity will not be questioned. These gentlemen, in speaking of the grant of New Jersey by Charles the second, in 1663, 1664, say that "no part of Delaware river, or the islands lying therein, are comprised within the granting words of the said letters patent, but they conceived the right to the same still remained in the Crown." And this opinion, sir, was given in 1721, in the reign of George the first, and thirty-nine years after the date of that famous grant of the Duke of York to William Penn, under which Delaware claims: and when it is considered that this opinion was given to the Lords Commissioners of Trade and Plantations, and by such men as Lord Raymond and Lord Hardwicke, and at a time when the whole subject must have been familiar to them, I should consider it the height of presumption to doubt its correctness. But what say Messrs. Read and Rodney of this opinion? In their opinion they state "that, agreeably to this sound doctrine, either the United States, or the State of Delaware or New Jersey, on the recognition of their independence, succeeded to the rights of the former sovereign, and the title of the King to this island vested in one of them."

Here, sir, we have the admission of the counsel of the United States that the doctrine contained in this opinion is sound doctrine, and that either the United States, or the State of Delaware or New Jersey, on the recognition of their independence, succeeded to the rights of the former sovereign, and the title of the King to this island vested in one of them. And by this admission, sir, they grant all that is necessary to establish the title of New Jersey; for it will not be contended that the title vested in the United States, and of course must have vested either in New Jersey or Delaware; and that, by virtue of the treaty of peace of 1783. And as this island is nearest to the Jersey shore, by the well-known law of nations upon this subject the title to it must have vested in New Jersey. And we thus have the opinion of the counsel of the United States, fully establishing the principle for which I contend, that the title to this island remained in the King until the treaty of peace in 1783.

In addition to this, sir, we have the opinion of the late Judge Washington upon this very subject, reported in the case of Corfield vs. Coryell, in Washington Circuit Court Reports, p. 385. After giving a detailed history of the claims and legislation of New Jersey upon this subject, Judge Washington says: "In this state of things the Revolution was commenced, and conducted to a successful issue; when his Britannic Majesty, by the treaty of peace, acknowledged the several States to be sovereign and independent, and relinquished all claims, not only to the government but to the property and territorial rights of the same. The right of the Crown to the bay and river Delaware being thus extinguished, it would seem to follow that the right claimed by New Jersey in those waters was thereby confirmed, unless a better title to the same should be found to exist in some other States." And after stating the fact that New Jersey had, from a period nearly coeval with the grant of the province, appropriated to themselves the use of the bay and river Delaware, and compared her claim with the claim of Delaware, he proceeds: "And we are strongly inclined to think, that if the right of the former of those States (New Jersey) to the bay of Delaware was founded on no other title than that of appropriation, by having used it for the purposes of navigation and, fisheries, the effect of the Revolution and of the treaty of peace was to extend the limits of those States to the middle of the bay, from the mouth upwards."

In support of these authorities, I beg leave to call the attention of the House of the fact that the State of New Jersey, from the earliest period, has, by frequent legislative enactments, asserted her jurisdiction over the Delaware river, and over all the islands therein, to the middle thereof, and has actually exercised that jurisdiction, as appears by numerous legal adjudications involving those laws; and for a list of these acts, I refer the House to the brief of General Wall, contained in the report of the committee.

On the other hand, by reference to the laws of Delaware, I cannot find that by any enactment they have ever claimed any exclusive right or jurisdiction over the Delaware river to the Jersey shore, nor over any islands in the bay or river which were near the Jersey shore. On the contrary, it is a fact that all the islands nearest the Jersey shore are actually held under grants from the proprietors of New Jersey, and those nearest the Delaware shore are held under that State.

But, Mr. Speaker, I propose now to show that the State of Delaware, so far from claiming to hold under the grant of the Duke of York to William Penn, actually disclaims any such holding, and claims to hold under and by virtue of the treaty of peace of 1783.

By an act passed June 19, 1793, the State of Delaware established a land office for the purpose of locating and surveying lands, &c.; and on the 7th of February, 1794, they passed a supplement to that law, the preamble to which supplement is in the following words:

"Whereas the right to the soil and lands in the known and established limits of this State was heretofore claimed by the Crown of Great Britian: And whereas, by the definitive treaty of peace between his Majesty and the United States of America, his said Majesty relinquished all rights, proprietary and territorial, within the limits of the United States, to the citizens of the same, for their sole use and benefit; by virtue whereof the soil and lands within the limits of this State became the right and property of the citizens thereof, and who, at the time of passing the act to which this is a supplement, had, and now have, full power and authority, by their representa-

lives, to dispose of the same for their sole benefit, emolument, and advantage: And whereas the claims of the late and former proprietors of this State to the soil and lands contained within the same are not founded either in law or equity; and it is just, right, and necessary, that the citizens thereof should be secured in the enjoyment of their estates, rights, and properties;" thereby admitting, in very terms, that they held by the treaty of peace of '83, and that the claims of the late and former proprietors of the State to the soil and land contained within the same are not founded either in law or equity.

Mr. Speaker, I will not pursue this part of the subject any further, but submit it to the House, under the conviction that I have established the position that the title to the Delaware bay and river, and the islands therein, remained in the Crown of Great Britian until the treaty of peace of 1783, and by that treaty the title to this island vested in the State of New Jersey, and, of course, now belongs to the heirs at law of Dr. Gale, deceased.

And sir, if I be correct thus far, the next question which presents itself for our consideration is the amount of this appropriation. And upon this subject I would remark, in the first place, that the bill does not establish any particular amount to be paid to extinguish this title, but only limits it to $30,000, and authorizes the Secretary of War to use this $30,000 to effect this object, provided he shall be of opinion that it will be for the interest of the United States to make such extinguishment; and, in so doing, we give him no more discretion than is usually given in such cases.

But, sir, the amount is not too high. I have no personal knowledge of the value of this property, but am credibly informed that it would have been actually worth at this time, without any of the improvements put thereon by the United States, more than $30,000. Without, however, referring to any evidence except that contained in the report of the committee, I am satisfied that $30,000 is not more than we ought to pay. It appears that, as long ago as February 18, 1831, the Secretary of War offered to pay $17,000; and when it is considered that this offer was accepted by Dr. Gale, after a ruinous and protracted and oppressive lawsuit, the conclusion is almost irresistible, that he was driven to his lowest terms. This sum, with simple interest upon it to this time, amounts to more than $22,000; and no man who reads the history of this case can believe that $8,000 would indemnify Dr. Gale for his expense and trouble in prosecuting this claim; and I insist that, under the circumstances, he is entitled to not only all his expenses, but to a most liberal allowance for all his time and trouble.

But the gentleman from Kentucky [Mr. Hardin] says that Dr. Gale is trying to extort money from the Government. Let me remind that gentleman that there are two sides to that question, and that we ought to see to it that, while we guard the strong from extortion, we do not crush the weak by the strong hand of oppression. I admit, sir, that we have the constitutional right to take private property for public use, upon making just compensation, and that this is a case in which that power might be exercised. But it is the very despotic power of our constitution, and nothing but the strong plea of necessity ever gave it place in that sacred instrument. It is a power which should not be exercised until all other reasonable means are exhausted, and then with the utmost caution and tenderness. Let me now inquire how we have exercised this power in the case under discussion. And how are we now exercising it? I promised the House to explain the causes of the delay which had taken place in the prosecution of this claim, and now proceed to perform the unpleasant task, by tracing its progress from its commencement to this period, and by making a plain statement of the facts of the case, which show that the proceedings of the United States have throughout been marked by the iron hand of oppression. Dr. Gale purchased this island, and was in the quiet, undisputed, and uninterrupted possession of it until about the year 1817; when the United States found that it was necessary or convenient for their purposes, they propose to purchase, but cannot agree upon the price; and although the island was worth to the United States hundreds of thousands of dollars, yet the officers trusted with this business, rather than pay the sum which he asked for the property, saw fit to exercise their despotic power, and drove him by force from the possession of his freehold. He appeals to the Secretary of War for redress; and, by an inspection of the papers in the War Department, I find that on the 23d of July, 1818, he wrote to the Secretary of War in the following words: "Your excellency, I trust, will not take it amiss that I am so importunate as again to remind you of my disappointment in not being informed of the appointment of the men to view and value the Pea Patch, agreeably to my expectations, after I had the honor of seeing you last February." Here, sir, we have a citizen of the United States, who had been turned out of the possession of his freehold by force, after waiting for redress more than a year, most humbly asking of the Secretary of War that he will not take it amiss that he reminds him of his promise to do him justice. And what is done upon the occasion? What relief is granted to this man? Why, sir, I find an endorsement upon the letter in these words: "Received from the Department 26th July; wrote Babcock to make full inquiry, and report 31st July. Also, same day, wrote Mr. Gale, when report is made he shall be advised, and what is just done." So, then, it appears that the Secretary promised that justice should be done. And where is the evidence of its having been done? Where is the report of Babcock? It does not exist. The rights of the citizen have been wrested from him by force, and withheld and postponed under delusive promises of justice. What course does he next pursue? Why, sir, finding that the officers of the United States would not settle it themselves, he begs of the Secretary of War to refer the matter to the arbitrament of his fellow-citizens, and requests a copy of the order of the Department upon the subject. And on the 10th December, 1819, I find the following answer from the War Department, directed to Dr. Henry Gale: "Your letter to the Secretary of War has been received at this Department. The proposition which you have made to refer your claim to the Pea Patch to arbitrators cannot be acceded to by the War Department. The opinion of the district attorney having been made for the benefit of this Department only, a copy of it cannot be transmitted to you." And is this the just compensation for private property, taken for public use, which is guarantied by our constitution? No, sir; it is, indeed, the exercise of an arbitrary power in the most arbitrary manner.

The spirit of Dr. Gale revolted at the oppression; and, in the very desperation of his feelings, he had to resort to the laws of his country for redress against that very country. An ejectment was commenced against this Major Babcock before the circuit court of the United States, and notice for trial at Trenton at the term of April, 1820; and we here find that the United States, in addition to the Attorney General and district attorney, have called to their aid C. A. Rodney and G. Read, jr., Esqs., two counsellors of the highest standing in Delaware, and Richard Stockton, then at the head of the bar in New Jersey; but the cause was continued by reason of other business which had the preference, and the rights of Dr. Gale were again postponed for six months. In the mean time, it was discovered by the counsel of Dr. Gale, that the State of New Jersey ought to have been made a party to this suit, and applied

to the court for leave to make them parties. This was refused; by reason whereof it became necessary for him to discontinue and commence a new suit, which was done in the supreme court of New Jersey, at the term of October, 1822. The United States applied to Judge Washington to remove this cause into the circuit court of the United States; which application was granted, contrary to the wish of Dr. Gale, and the opinion of his counsel. Judge Washington soon discovered his error, and sent the cause back to the supreme court of the State, where it was again entered for trial at the November term, 1825; and by this time I find that the United States had engaged to assist in this work of oppression two other gentlemen of the bar, Mr. George Wood, one of the leading members of the bar of New Jersey, and Mr. Van Dyke, of Delaware; and the cause is again put off by the United States, by reason of the indisposition of Mr. Van Dyke, and because it would be inconvenient for Mr. Read to attend to it; and thus again the hopes of this man are blasted. The facts which I state are all supported by the correspondence contained in the report of the committee, and the communications which I have procured from the War Department, and which are now upon my table, and subject to the inspection of any gentleman who may choose to examine them. Soon after this, Major Babcock, the defendant in ejectment, died, and the suit was thereby abated. But if I understood the gentleman from Kentucky, [Mr. HARDIN,] he said that the death of a defendant in ejectment does not abate the suit. I believe that they have in Kentucky some special law upon this subject to keep the suit alive; but at the common law, and by the laws of New Jersey, the death of a sole defendant in ejectment does abate the suit; and for this cause the suit of Dr. Gale was abated; and about this time the fortifications which had been erected by the United States were consumed by fire, and the premises left vacant. And here let me pause, and ask the gentleman from Kentucky, and every other honorable gentleman upon this floor, to point out a single act, word, or deed, of Dr. Gale, in this narrative, that is unbecoming an honorable man and a good citizen. Tired out, by a tedious and vexatious lawsuit, and almost ruined by its expense, he again appeals to the justice and humanity of his country, and again tries to effect, by negotiation, that which is denied to him by the slow and uncertain process of legal proceedings; and the result of this negotiation is found in the agreement of 1831, contained in the report of the committee. Thus far, the odium of oppressing this man is properly chargeable upon the different officers of the Government having charge of the matter; but from the date of this agreement, part of that odium must rest upon this House. Our attention was called to the subject by the President as early as 1831, and an appropriation asked to enable the Executive to fulfil this agreement in good faith. A bill was reported for the purpose; but the wrongs and injuries of an American citizen were too insignificant to command the attention of Congress; and, like the lawsuit, the consideration of the bill is postponed until a more convenient season. And again, in 1832, the President calls our attention to the subject, and again we neglect the claims of this man, not because they are unfounded, but because it was not convenient to attend to them. In the early part of 1833, the agent of Dr. Gale has an interview with the Secretary of War, in which he promises him that if the bill then before Congress for this appropriation should not pass, "the claim (of Dr. Gale) would be extinguished out of the appropriation to be made for rebuilding the fort;" and on the 26th of March, 1833, General Gratiot writes to the agent of Dr. Gale, requesting the Doctor "to come to this place in person, or to send an agent duly authorized to sell his title to the island, subject to the approval of Congress at its next session."

On the 23d November, 1833, the agent of Dr. Gale informs the Secretary of War that he is yet authorized to accept the $17,000, with the interest, from the date of the agreement; and offers to come to Washington immediately, if the Secretary was disposed to make such arrangement; and, on the 13th of December following, the Secretary informed the agent (by letter of General Gratiot) that General Wall "had reported favorably of the title of Dr. Gale," and that his proposition will be acceded to, provided the Attorney General shall agree with General Wall in opinion. And, in consequence of that letter, the agent repaired to Washington, and was there informed by General Gratiot "that every thing would be arranged at once, provided he would take $17,000." But he had no authority to remit the interest, and a new authority could not readily be obtained, for Dr. Gale was dead, and had bequeathed this claim, this evidence of the injustice of his country, to his children, who were scattered in different parts of the Union.

Such, Mr. Speaker, are the facts of this case; and gentlemen on this floor now ask, why do not the heirs of Dr. Gale prosecute their suit at law to a conclusion? They answer by pointing to the history of the case, to their own poverty, to the ruined fortune and death of their parent, to the delays of law, and to the injustice of their country; and the answer ought to be conclusive to the heart of every man of feeling, and to the head of every legislator.

But in what situation are we placed as regards this property? It is of great value, and particularly to the United States. We paid nothing to Delaware for her cession, turned Dr. Gale out of the actual possession, and now seek to deprive his heirs of any compensation; and this we call making just compensation for private property which we take for public use, according to the spirit of our constitution. Sir, it is a mockery, a denial of justice, an arbitrary exercise of despotic power, and a violation of the constitution.

I quit the subject, expressing the ardent hope that Congress will now, by their vote, do all that yet remains in their power to redress the wrongs of these claimants, and rescue our constitution from further violation.

When Mr. DICKERSON had concluded,

The bill was further debated by Messrs. HOWARD, PEYTON, REYNOLDS, and FULLER.

Mr. MILLIGAN next took the floor; but,

On motion of Mr. UNDERWOOD,

The House adjourned.

MONDAY, MAY 16.

THE PUBLIC LANDS.

The preamble and resolutions of the Legislature of Kentucky, in favor of the passage of a law for the distribution among the several States of the proceeds of the sales of the public lands, were taken up for consideration as the unfinished business of last Monday.

The question still being on the motion of Mr. WILLIAMS, of Kentucky, to refer the resolutions to the Committee of Ways and Means, with instructions to report a bill in conformity thereto—

Mr. GRAVES spoke at length in reply to the opponents of the resolutions, and advocated their adoption. He went into detail of the amounts which had been received from sales of lands, and of the amount of surplus now or soon to be expected remaining in the Treasury. He contended that the large appropriations last year for many purposes of the Government, such as fortifications, &c., were not all expended, and the still larger appropriations already made were as large as could be

profitably employed. He did not think it proper to go on making extravagant appropriations, when labor and materials could not be obtained to absorb the money. He spoke of the different amounts drawn from the Government by different States, and said there was an undue diversity. New York, according to an estimate he had made, had received more public money for her public works, such as custom-houses, forts, navy yards, &c., than all the Southern States and Kentucky put together; while Kentucky, which had contributed so much to increase the value of this source of revenue, and had paid so large an amount of it, had actually received less than almost any State in the Union. He thought that State deserved and ought to receive a proper share of this money; and the amount which might be distributed, as he calculated, would yield to Kentucky about two millions. He condemned the present mode of keeping and using the public money, and thought the manner in which it was deposited in irresponsible banks, and used by individuals for speculation, was highly dangerous, both to the safety of the funds and the virtue of the Government and the people.

He said this measure had been called a political hobby, and it was opposed by some on that ground; but he did not wish so to consider it. If it was, as he believed, a great measure of general utility and common justice; if it was, as had been said, a measure demanded by the voice of the people, then it was just the hobby a politician ought to ride, and not on the back of a hero. The question should be acted upon with reference to its merits alone, and not according to the opinions of President Jackson or any body else. It was said the President would veto the bill; that should make no difference in the action of the members of the House. They should act upon their own responsibility to their constituents, fairly and honestly. If other departments of the Government thought differently, they must also stand before the people upon their own responsibility. Each person, for himself, should decide deliberately, according to his sense of constitutional duty.

Mr. CUSHING said he had something to say upon this subject, but he did not think the present an auspicious occasion. He therefore moved that the further consideration of the resolutions be postponed to Monday next; which motion prevailed.

RELIEF OF THE DISTRICT OF COLUMBIA.

Mr. W. B. SHEPARD hoped the House would take up and consider the amendment of the Senate to the bill for the relief of the several corporate cities of the District of Columbia.

Objection being made, Mr. MANN, of New York, moved to suspend the rule for the purpose of taking up said bill; which was agreed to: Ayes 101, noes not counted.

Mr. W. B. SHEPARD moved that the House concur in the amendment of the Senate.

[The Senate's amendment provided that the stock of the corporations should be placed in the hands of the Secretary of the Treasury, as a pledge of the assumption by the Government of the Holland loan; and that officer is authorized, at any time deemed most favorable within ten years, to sell the same, and reimburse the United States for the amount advanced; and if the stock thus sold should yield more than sufficient to pay the debt to the Government, that the excess shall be paid over to the several corporations of the District.]

Mr. JARVIS objected to the amendment of the Senate. He was opposed to advancing this money, and holding out the deception that the Government was to be hereafter reimbursed by the stock proposed to be pledged, when it must be evident that it was wholly inadequate, and never would be worth the amount proposed to be advanced. He was willing to strike out the stock altogether, and let the money be appropriated as a gratuity. He was opposed to placing the Government in the position of a pawn-broker; and he was still more opposed to holding out a pretence that they were to be reimbursed, when, in fact, they were giving away this money. He was willing to give it, but not in this indirect manner, and he hoped that the House would adhere to their amendments, and a committee of conference might be able to propose a compromise which would be acceptable to a majority of each House.

Mr. WILLIAMS, of Kentucky, considered the amendment more objectionable than the provision in the original bill as it passed the Senate, on the ground of the power conferred upon the Secretary of the Treasury to sell this stock at any time within ten years, and the provision that, if it should sell for more than the amount advanced, the excess should be paid over to the corporations. If the Government take this stock, and run the risk of being reimbursed, it should certainly be entitled to all the advantages which might possibly accrue from a profitable disposition of the same. By the amendment, the corporations were to derive all the benefit, and the Government had to sustain all the loss. He hoped the amendment would be negatived, and that this bill would be permitted to lie on the table with the unfinished business, where it ought to be.

Mr. UNDERWOOD asked for the yeas and nays on concurring in the amendment of the Senate; which were ordered.

Mr. WISE was opposed to the bill in every shape, whether in the form of a gift, or a bargain and sale; and expressed his surprise that such an extraordinary measure should have obtained precedence over the important business of the House. Neither the public nor private business should have been made to give place to this bill. There were claims involving $5,000,000 on account of French spoliations prior to 1800, which could not even be brought before the House, and which, if examined, would be found to be founded in strict justice, and other claims which had been outstanding for a half century were forced aside for the purpose of letting in this bill for the relief of the corporations of this District. He had looked into this bill, and could not support it upon any ground of policy, reason, or sympathy. The amount of debt due by the corporations was the result of mismanagement and folly, and it was a matter of indifference to himself and his constituents whether this stock was owned by foreigners or by the citizens of this District. If it should be purchased by the former, it might be their interest to bring capital to us, and thus be a benefit to us.

Mr. W. was aware that some individuals would be benefited by the passage of this act. In consequence of the load of debt hanging over the corporations, taxation was so great that real estate had depreciated to almost nothing. Some hawk-eyed speculators had bought up much property, and if this bill should pass, the property thus purchased would rise 100 per cent. in value. It was a matter of no consequence with his constituents whether one set of speculators or another should be most successful. In order, therefore, to test the sense of the House, he moved to lay the bill and amendments on the table, and asked for the yeas and nays on the motion; which were ordered, and were:

YEAS—Messrs. Ash, Barton, Bean, Beaumont, Bond, Bovee, Brown, Buchanan, Bunch, Bynum, J. Calhoon, Campbell, Carr, Carter, Casey, Chapman. N. H. Claiborne, J. F. H. Claiborne, Coles, Connor, Craig, Cushman, Dickson, Efner, James Garland, Gillet, Grantland, Grayson, Griffin, Haley, Hardin, Harper, Hawes, Haynes, Holsey, Huntsman, J. Johnson, C. Johnson, J. W. Jones, Lawler, L. Lea, Lyon, Martin, J. Y. Mason, W.

Mason, Maury, McCarty, McKay, McLene, Montgomery, Morgan, Owens, Patton, Peyton, Pickens, Rencher, John Reynolds, Joseph Reynolds, Roane, Robertson, Rogers, A. H. Shepperd, Shields, Smith, Standefer, J. Thomson, W. Thompson, Toucey, Towns, Underwood, Vinton, Weeks, L. Williams, S. Williams, Wise—75.

NAYS—Messrs. Adams, C. Allan, H. Allen, Anthony, Ashley, Bailey, Beale, Bockee, Borden, Briggs, W. B. Calhoun, Cambreleng, G. Chambers, John Chambers, Childs, Clark, Cleveland, Corwin, Cramer, Crane, Cushing, Darlington, Deberry, Denny, Dickerson, Everett, Fairfield, Farlan, Fry, W. K. Fuller, Glascock, Granger, Grennell, J. Hall, Hamer, Harlan, S. S. Harrison, Hazeltine, Henderson, Hoar, Howard, Howell, Hubley, Hunt, Huntington, Ingham, J. Jackson, Janes, Jarvis, Jenifer, R. M. Johnson, B. Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Laporte, Lawrence, J. Lee, Leonard, Lincoln, Logan, Love, Lucas, J. Mann, M. Mason, Samson Mason, May, McKennan, McKim, Mercer, Miller, Milligan, Moore, Morris, Page, Parker, Patterson, D. J. Pearce, James A. Pearce, Pettigrew, Phelps, Phillips, Potts, Reed, Schenck, W. B. Shepard, Shinn, Sickles, Slade, Spangler, Steele, Storer, Sutherland, Taliaferro, Taylor, Turrill, Vanderpoel, Ward, Wardwell, Washington, Webster, White—106.

So the House refused to lay the bill on the table.

Mr. PARKER contended that the Senate had made the bill worse than it was originally. The amendment might affect seriously the interests of the United States. The Secretary of the Treasury was authorized to sell this stock at any time within ten years. He objected to the responsibility which was thrown upon the Secretary of the Treasury, and also to making that officer a broker. He might determine to sell, and if the proceeds should not come up to the expectations of the corporations, they would complain that he had sold too soon; or he might delay such sale until the end of the ten years, and similar complaints might be made that he had waited too long. He hoped the House would adhere to their amendments.

Mr. VANDERPOEL said that the amendment of the Senate now under consideration was certainly more favorable to the Government than the provision in relation to the stock which the bill contained when it first came from the Senate. The original bill contained a provision that the Secretary of the Treasury might, after the expiration of ten years, sell the stock in question, and apply the avails to the reimbursement of the debt now proposed to be assumed for the benefit of the three corporations of Washington, Georgetown, and Alexandria. The House amended this provision by making an absolute transfer of the stock to the United States. The Senate had amended our amendment by mortgaging the stock to us, and authorizing the Secretary of the Treasury to sell the stock within ten years. He was in favor of concurring in the Senate's amendment, because it is surely more acceptable to those who want to sever the connexion between the Government and corporations than was the original bill from the Senate. That bound them to the stock for the term of ten years, without the power of severing them from it. The present amendment of the Senate authorized the Secretary of the Treasury to sell the stock at any time within the ten years; and as it is pretty well understood that incorporated companies are not very great favorites of the executive department of this Government, we had a right to hope that if the amendment of the Senate should be concurred in, the partnership between the Government and the corporation would not long continue.

Mr. V. said that he had stated, when this bill was under discussion here before, that if we adhered to our original determination of making an absolute transfer of this stock to the Government, we would not, at this session, pass any law for the relief of the District. The truth of that sentiment was now more manifest, and he would here repeat that, if we rejected the amendment, the bill would be lost, and all the hopes of the District would be blasted.

Mr. HARDIN agreed with the gentleman last up, that the amendment of the Senate was more objectionable than the original clause in the bill from the Senate. He contended that the mortgage proposed could not be foreclosed before the expiration of the ten years, notwithstanding the provision that the Secretary should proceed to sell the mortgaged stock at any time within that period. There was another radical error connected with this amendment. If the Secretary proceeded to sell this stock, the United States did not possess the right to purchase. Some individual, as the agent of the mortgagers, might bid one dollar, and the mortagee, having no power to buy, would lose his money. If no person should bid, there would be an end of the business. The only remedy would be to add an additional clause, giving the United States the power to buy. Mr. H. understood this whole business. The object of this bill was to make a gratuity, colorable only to prevent the people of the United States from knowing it. If they intended to give this money, let it be done openly and directly, and let them have the credit for so doing, and not throw this kind of color over a transaction, whereby they appropriated about $2,600,000, and were to receive in exchange property not worth half a million; and then they were to be harassed hereafter with committees of those cities, begging Congress to give them this stock.

The gentleman from New York [Mr. VANDERPOEL] had alluded to another ordeal through which this bill was to pass. This was perhaps a fiery ordeal at the White House. He did not know whether the gentleman had consulted the President as to the course which he would pursue on this subject. He might speak from instinct, or like a person seeking salt water: the gentleman might have been enlightened by the use of a forked stick. At all events, he hoped the President would veto the bill; for there was certainly not the least difference in principle in buying this stock as mortgaged, and purchasing it absolutely.

Mr. MANN, of New York, had voted against the bill in all its stages. He should, however, vote for the amendment, as it would make the bill far more acceptable than in the form in which it passed the House; and as it would doubtless pass, he desired that it should be made as perfect as possible. He should vote for the amendment, principally on the ground that it looked to the ultimate dissolution of the connexion between the Government and this corporation.

Mr. THOMPSON, of South Carolina, had never more anxiously endeavored to discover some plausible pretext to vote for this bill. He had, however, not been successful. He had examined every ground upon which this measure could possibly be placed, and it appeared to him that the only pretence for making this appropriation was upon the ground of charity and benevolence; and he could never consent to legislate upon any such principle.

Mr. JENIFER urged the House to decide upon the amendment without further debate, and made a few remarks in support of the amendment, as the only means of securing relief to the District.

Mr. SUTHERLAND moved the previous question; which was seconded: Yeas 83, nays 48.

The main question was then ordered to be put, and the amendment of the Senate was concurred in, as follows:

YEAS—Messrs. Adams, H. Allen, Anthony, Ashley, Bailey, Beale, Bockee, Borden, Briggs, Cambreleng, G. Chambers, Chapin, Childs, Cleveland, Corwin, Cramer,

Crane, Cushing, Deberry, Denny, Dickerson, Dromgoole, Evans, Everett, Fairfield, Farlin, Fry, W. K. Fuller, Glascock, Granger, Grennell, Haley, Hamer, Hannegan, Harlan, S. S. Harrison, Hazeltine, Henderson, Hiester, Hoar, Huntington, Huntsman, Ingham, W. Jackson, J. Jackson, Janes, Jenifer, R. M. Johnson, H. Johnson, J. W. Jones, Judson, Kennon, Kilgore, Lane, Laporte, Lawler, Lawrence, Leonard, Lincoln, Logan, Loyall, Lucas, A. Mann, J. Mann, J. Y. Mason, M. Mason, S. Mason, McKennan, McKeon, McKim, Mercer, Miller, Milligan, Moore, Morgan, Page, Patterson, D. J. Pearce, J. A. Pearce, Pettigrew, Phelps, Phillips, Pickens, Potts, Reed, Rencher, Schenck, W. B. Shepard, A. H. Shepperd, Shields, Shinn, Sickles, Slade, Spangler, Speight, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, Toucey, Turrill, Vanderpoel, Ward, Wardwell, Washington, Webster, White—110.

NAYS—Messrs. C. Allan, Ash, Barton, Bean, Beaumont, Bond, Boon, Bovee, Boyd, Brown, Buchanan, Bunch, J. Calhoon, W. B. Calhoun, Campbell, Carr, Carter, Casey, Chapman, N. H. Claiborne, J. F. H. Claiborne, Clark, Coffee, Coles, Connor, Craig, Cushman, Dickson, Dunlap, Efner, French, J. Garland, Gillet, Grantland, Graves, Grayson, Griffin, J. Hall, Hardin, Harper, Hawes, Haynes, Holsey, Hopkins, Howard, Howell, Hubley, Jarvis, J. Johnson, C. Johnson, B. Jones, Lansing, L. Lea, Love, Lyon, Martin, W. Mason, May, McComas, McKay, McLene, Montgomery, Morris, Owens, Parker, Patton, Peyton, John Reynolds, Roane, Robertson, Rogers, Seymour, Smith, John Thomson, W. Thompson, Towns, Underwood, Vinton, Wagener, Weeks, L. Williams, S. Williams, Wise—83.

UNITED STATES AND MEXICO.

Mr. MASON, of Virginia, from the Committee on Foreign Affairs, reported the bill from the Senate to provide for carrying into effect the treaty of limits, and an additional article thereto, between the United States and the United Mexican States; which was read twice and committed to the Committee of the Whole on the state of the Union.

On motion of Mr. MASON, the House then went into Committee of the Whole on the above bill, (Mr. HOWARD in the chair.)

The bill having been read, Mr. MASON made a brief explanation of its provisions, which appropriated the sum of $14,500 as a compensation to a surveyor and a commissioner on the part of the United States, for running and fixing the boundary line between the United States and Mexico, as prescribed by the treaty between the two Governments.

Mr. WISE would inquire if the law itself provided for these commissioners; and, also, if they were invested with full power to determine the boundary, without reference to any ulterior measures on the part of Congress. A controversy was at this moment going on with reference to the true meaning of the treaty with Spain and Mexico, respecting the boundary, as to what was the Sabine river; and he was credibly informed that the President of the United States never considered, and did not then consider, what had always been considered the Sabine to be the Sabine in contemplation of the treaty with Mexico. He had had a conversation with Mr. Darby, and that distinguished geographer had informed him that there never had been, nor ever could be, a dispute about what was the Sabine river; and he had sustained his views in a publication in the National Intelligencer. Yet Mr. W. understood from Mr. Darby that the President of the United States still contended that what was heretofore considered the Sabine was not the true river, as contemplated in the treaty.

Mr. MASON, of Virginia, explained the provisions of the treaty. That treaty prescribed, as far as any treaty could, the boundary between the two countries; but an additional article had rendered it necessary that the boundary line should be run and ascertained by actual surveys. He did not understand that this bill invested either the commissioner or surveyor with any other power than devolved upon them by the treaty. In the event of disagreement between the commissioners of the two countries, they would not of course execute the duty, but leave it open for further negotiation between the Governments. That was the whole purpose of the bill. The treaty required that each Government should appoint one commissioner and one surveyor, who should act together in running this line, and this bill was nothing more than an appropriation for the performance of that duty on our part.

Mr. PEYTON suggested to the gentleman from Virginia, [Mr. MASON,] whether it was not premature to urge immediate action upon this measure. If the intelligence received that morning should turn out to be true, all controversy with the Government of Mexico on the subject of our boundary line was at an end, and the next question would be that of hailing a newborn republic, or acknowledging Texas as an independent and sovereign State. If those advices should be confirmed, we might soon be called upon to negotiate with a people who had achieved their liberty and independence, avenged the fall of the Alamo, and established their right to be recognised with all the powers of a free, sovereign, and independent State. He suggested, therefore, whether it would not be expedient to act upon this measure at some more distant day of the session, and at least wait until we knew whether we should carry on negotiations with the authorities of Mexico, or with the authorities of the republican State of Texas.

Mr. MASON, of Virginia, trusted that the gentleman would see the necessity of passing this bill, since it was nothing more than to carry out the provisions of a treaty entered into and ratified by the treaty-making powers of the United States and Mexico. So far as the United States were concerned, the contest now raging in that country in no way affected the treaty under which the boundary of the United States was fixed; for he presumed it was not the purpose of the Texians to acquire any portion of our territory. This bill was an indispensable step for the execution of the treaty on our part, and would be equally obligatory, so far as the boundary was concerned, in any event of the contest now going on in that country. If, hereafter, it should become necessary to act with any other State, nothing would be lost by placing ourselves in a situation to execute the treaty to its letter on our part.

Mr. PEYTON said, before he could vote for this bill, he should wish to introduce into it a proviso, that our commissioners shall meet the commissioner of Mexico or Texas, whichever might be the Government *de facto*.

Mr. CUSHING said the difficulties started by the gentleman from Virginia, [Mr. WISE,] and by the gentleman from Tennessee, [Mr. PEYTON,] were, in his view of the subject before the committee, premature, and altogether unseasonable. The bill reported by the Committee on Foreign Affairs presents to the House a very simple question of public faith. To understand the whole case, and to find a complete answer to the objections interposed in the way of the bill, it only needs to look into the treaties and the legislation having for their object to fix and define the southwestern frontier of the United States.

Whatever ancient controversy on this point there may have been, there can be none at this precise moment. In the third article of the treaty of amity, settlement, and limits, between the United States and Spain, concluded on the 22d day of February, 1819, and commonly

called the Florida treaty, the United States entered into the following stipulation:

"The boundary line between the two countries west of the Mississippi shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the thirty-second degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red river; then, following the course of the Rio Roxo westward, to the degree of longitude 100 west from London, and 23 from Washington; then, crossing the said Red river, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bend of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South sea; the whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the 1st of January, 1818."

Then follows a renunciation on the part of the United States of all their rights, claims, and pretensions, to any territories lying west and south of the above-described line.

In the fourth article of the treaty there is the following stipulation:

"To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and surveyor, who shall meet, before the termination of one year from the date of the ratification of this treaty, at Natchitoches, on the Red river, and proceed to run and mark the said line from the mouth of the Sabine to the Red river, and from the Red river to the river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude 42, to the South sea. They will make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein."

To carry into execution this treaty, an act was passed on the 3d of March, 1821, the third section of which provides for the appointment of a commissioner and surveyor, "for the purposes stipulated in the fourth article of said treaty."

Owing to the progress of the revolutionary war raging in New Spain, this treaty remained without execution, so far as regards the question of limits, until after the United States had acknowledged the independence of the Mexican republic. The Mexican republic succeeded, as a matter of course, to the rights and the obligations, in this respect, possessed by and due to Spain. And, to remove all doubt on the subject, there was concluded on the 12th of January, 1828, a treaty of limits between the United States of America and the United Mexican States, continued by an additional article concluded on the 5th of April, 1831, recognising the boundary line of the two republics, and the mode of settling it by commissioners, in the precise words of the treaty of 1819. In pursuance of which an act was passed on the 3d of July, 1832, repeating, in substance, the provisions of the expired act of the 3d of March, 1821.

These treaties, for causes which do not distinctly appear, still remaining without execution, another additional article to the treaty of limits was concluded on the 3d of April, 1833, which, briefly referring to the treaty of 1828, stipulates once more for the appointment of a commissioner and surveyor within one year from the exchange of ratifications.

The bill before the committee was passed in the Senate, and is now reported to the House, in conformity with a very recent message of the President, recommending that the necessary legislative provision may be made for the "faithful execution" of the treaty on the part of the United States.

Such are the facts upon which the committee is called to act.

Now, in the first place, the gentleman from Virginia [Mr. WISE] alleges that doubts exist concerning the true boundary between the United States and the Mexican republic, especially as to what is the river Sabine spoken of in the treaty of limits; and he inquires whether this point is to be settled by the commissioners, or it admits of the interposition of the United States. Mr. C. said the solution of this difficulty was apparent on the face of the treaty. A geographical line is described on paper; commissioners appointed by the two Governments are to run the line from the mouth of the Sabine to the Red river, and so on to the river Arkansas. They are to trace the boundary geographically, set up landmarks, and make out plans of the line run; and the result agreed upon by them is to be considered as part of the treaty. If they agree, the faith of the nation is pledged to the maintenance of the boundary so ascertained, and there is nothing left for the United States to do in the matter; nothing for Congress. If they do not agree, then, indeed, there must be further negotiation between the two republics. But we are not to anticipate any such issue. We cannot deal with it in advance. When it comes, then it will be time enough to determine what course the United States ought to pursue.

Next, the gentleman from Tennessee [Mr. PEYTON] calls upon us to delay this bill, in order to run the line in conjunction with the new State of Texas. To this Mr. C. replied, that the United States were bound by solemn treaties, deliberately contracted with the Mexican States, which treaties defined and established the boundary between the two republics. Our obligations towards the Mexican States, in this matter, are nowise changed by the fact of a civil war existing in Texas. It is the duty of the United States to continue neutral in this controversy. We are pledged to this by every consideration of honor and public faith. The declaration of independence, issued by the insurgent inhabitants of Texas, does not absolve us from our engagements to Mexico. Repeatedly, since the Texians took up arms, the United States, as it was their duty to do, have avowed and proclaimed their determination to observe a studied neutrality, taking no part either for Texas or Mexico. The ratifications of this very additional article were but recently exchanged. It is little more than a week since the President asked of Congress to enact the law now before us, in execution of the treaty of limits. And in the documents from the Executive on the subject of our relations with Mexico, just communicated to the House, embracing the correspondence between Mr. Forsyth and Mr. Gorostiza, the new Mexican minister, and the instructions given to the civil and military officers of the United States in regard to the war in Texas, there is continual declaration of the duty and intent of the United States to remain wholly neutral, and to cause their neutrality to be respected. The readiness to run this boundary line is one of the particulars in which the President has signified his wish to indicate the neutral purposes and the good faith of the United States. Has the Mexican republic ceased to exist? Does the revolt of one of her provinces absolve us from our treaties with her? Clearly not. And it is preposterous to imagine that the United States will seek to conspire with Mexico to run this line fraudulently, to the injury of Texas. There is no danger of error on that side. And if the Texians achieve their independence, they will succeed to all the rights of the Mexican republic, in the matter of her northeastern frontier, precisely as Mexico succeeded, in this identical case, to the rights of Spain. This is a principle of international law, too

well settled to admit of dispute. The honor of the United States requires that they should pass this law, in execution of the treaty of limits, and in obedience to its conditions; and if, meantime, Texas should become independent, either in fact or by express recognition, that possible state of things can be met when it arrives, without the United States having subjected their faith to question by Mexico, or any other foreign Power, as he would do in refusing to comply with the stipulations of the treaty.

Mr. C. deprecated the untimely and precipitate agitation of the all-important subject of the future destiny of Texas. He was aware that the acknowledgment of its independence, or the annexation of it to the United States, was a possible, not to say probable, question, which this Congress, and at the present session, might be called upon to determine. Perhaps at this very moment, the revolutionized inhabitants of Texas may have rendered themselves independent in fact, by a conclusive triumph. But of this we have no certain knowledge. And it does not become us to decide now, in this incidental way, what we will do in the possible future event, and in reference to a point of such vast importance to the United States. It is a question replete with consequences, both of principle and of policy, enduring to the end of time. No question has arisen so momentous to the whole United States, and to every part of it, since the period of the cession of Louisiana. Give us time to think of it, to weigh it deliberately in all its bearings, and with a full knowledge of facts, instead of embarrassing the ordinary legislation of the House, by rashly plunging into this controversy, with premature and idle haste, unbecoming statesmen or men of business, and in violation of the good faith of the United States.

Mr. WISE had only started the question as to the power of the commissioners. He now understood that these commissioners had the sole power, if they agreed, of settling the boundary, and that it would, in that case, never come up before Congress at all. He conceived this to be the proper time to settle the question of the power of the commissioners, and also with regard to ulterior objects. He saw no reason for hurrying this bill through at this time. He did not believe that if our commissioners were sent, Santa Anna, with his hands as full as they were, would send any on his part. Mr. W. was for postponing the subject, for the present at least. He knew and felt that Texas would be free, and he should make no cool, cold calculations about the matter. He had also another reason for postponing this bill. It seemed as if we were anxious, by far too anxious, in our consistent determination to preserve our neutrality; too anxious with our professions. We seemed to be too neutral between those parties, as if we wished to hasten the execution of the treaty with Santa Anna. It might come to this, that we might have no boundary line to settle, for he wished to see Texas bone of our bone, and flesh of our flesh, under the ægis of our constitution.

Mr. MASON referred to the message of the President of the United States of the 5th of the present month, in reference to the treaty with Mexico, and recommending the appropriation embraced in this bill. He expressed an earnest hope that the discussion of the grave and important questions adverted to would not be indulged in on the present occasion. This bill was in no sense inconsistent with, nor had any remote bearing upon, any right Texas might at this moment possess, or might hereafter acquire.

With regard to the bill, then, under consideration, he remarked that it came from the Senate before the Committee on Foreign Affairs on Saturday last, who held a meeting, and unanimously determined to report the bill, and recommended its passage through the House. At that time no intelligence had been received respecting the result of the movements in Texas, so that the committee could not be charged with any indecent haste in reporting the bill that morning.

Mr. CALHOON, of Kentucky, wished this bill postponed, for a short time at least, on the ground that the aspect of affairs had materially changed since the additional article of the treaty had been entered into. If the news of that morning were true, the President of the United States would either not appoint commissioners on our part, or he would pause at least; and therefore Mr. C. thought the bill had better be deferred for the present.

Mr. PEYTON then moved the amendment he had indicated, providing that the commissioners on the part of the United States be authorized to act with commissioners appointed by the Government of Mexico, or by the Government of Texas, whichever is recognised by the United States as a Government *de facto*.

Mr. BOULDIN said he would vote for the passage of the bill, and preferred to pass it now, for the very reasons given by gentlemen for its postponement; because there were difficulties existing between Mexico and Texas; because the people of Texas are our own flesh and blood, our own kindred; because speculations in lands had been made by our own citizens within that province, and it was generally believed we had a desire to hold Texas; that we had been charged with having a friendship and feeling for its people, (and his heart gave testimony that it was true,) and because we were already suspected, from these circumstances, of a desire to take part in the dispute between Mexico and Texas.

He said he had two reasons for wishing the bill to pass at this time, rather than at any other. First, he wished to show to the world that we would be honest, and abide by our treaties under all circumstances. Nothing, he said, could be of more importance to a country than that it should maintain its character for honesty—a character we must have acquired before we attained our present stand in the regard of all nations, and which we must continue to deserve if we sustain that stand hereafter. "Thou shalt not covet thy neighbor's goods."

Secondly, he wished to prove to the world that we could and would live in peace with our neighbors, whatever might be their Government, despotic or otherwise.

These, he said, were the reasons which induced him to prefer passing this bill immediately, especially as we had been informed, and he hoped truly, that Santa Anna was taken, with his whole army; and was either in captivity or was slain: which it was, he cared not a farthing. If we were to believe the accounts, which seem but too well established in truth, this man must be a monster, disgracing even savage warfare. Let it be seen, then, by the world, that we would have been true to our engagements even with him.

Should he still be living, and in power, we will settle the line with him, and stickle for the breadth of a hair, to obtain our utmost limit, but settle it rightly. Should Santa Anna have fallen, and Texas have obtained her independence, then he would acknowledge it; and greet her as a sister republic. Should she wish to come into the Union, he would delight in receiving her. He was against the amendments. He did not wish to raise any supposititious question or cases in relation to it. Whenever it should become proper to acknowledge the independence of Texas, he was willing to do so with all his heart. But let us keep clear of all suspicion of interfering directly or indirectly with this quarrel, or a design to violate our faith in regard to this treaty.

In reply to some remarks that had been made at different times, in regard to the reception of Texas into the Union, he would say a word or two, lest he might be misunderstood by any. He supposed it was known, or at any rate it might easily be found out, whether his

heart lay North or South. He said his heart was of the South, and with the South. He would say, as was said on another occasion, "thy country shall be my country, and thy people my people, and thy God shall be my God. Where thou goest I will go, where thou diest I will die, and there will I be buried." He wished to do right in regard to Texas, and wished his country to do right also. If it were necessary, in order to sustain the balance of power between the North and the South, let it be said so: and if we can purchase it, and constitutionally receive it, let it be so. If it be not for sale—and it is thought that, through public necessity or any other cause, we can rightfully take it—let us do it openly. Let us declare to the world that we mean to do it. Do not let us be screwed up to it as that old hag, in the beautiful story of Jennie Deans, was endeavoring to screw up Frank, the highwayman, to kill poor Jennie. As she would let out her diabolical design by piecemeal, she would say, "but take another snap of that brandy." Said Frank, at last, "what I do, I do outright. Let me know what you wish me to do, and what you wish me to do it for."

Mr. B. said he was afraid that these last remarks might be misunderstood by his friends over the way, but he would stop to assure them that their feelings in regard to the struggles and the sufferings of these people, and his hopes, however he might differ with them in opinion, should he find himself differing with them in feeling, he would know that his feelings were wrong, and endeavor to amend them.

In relation to certain objections suggested in debate some days since in regard to its being projected to add Texas to the United States, in order to extend the bounds of negro slavery, Mr. B. would wish to exclude all such allusions and such feelings. Such considerations had no weight whatever with him in giving his vote on this bill.

Some gentlemen, he said, had queer notions about slavery. It seemed to him that some people were horror struck at the very idea—the name of black slavery—black oppression—black suffering; yet thought little or nothing of these when operating on white people. This, he supposed, was owing to habit—what a man was accustomed to see. A black man who has his dog, and catches his game of a night, and visits his friends and his neighbors, does a moderate day's labor in the day; and if he gets disorderly, roguish, or misbehaves in any way, he gets a flogging and goes on; his wife and children provided for in health and nursed in sickness by others, as well as himself—this picture struck some with great horror.

Another kind of oppression—when statute upon statute—corporation privilege upon corporation privilege—capital amassed—machinery invented—population crowded, until a man and his family must starve or work, and maintain themselves upon any sum that their employer may think proper to allow—too poor to go to the far West—public lands purposely kept up in price, to put it out of the power of the poor to remove; yet the poor man is free to take or refuse the wages—the employer free to give or not—both free. The employer would not lay the weight of his hand upon any one; but sits and enjoys his family and friends, and when bed-time comes, goes to his rest; knowing that the working man is free to take or refuse the wages offered; knowing also he and his family, without his recommendation, can get no other employment—must die in forty-eight hours without something to eat, and has no other way to obtain it. Dire necessity and approaching starvation compel him to take whatever is offered—his employer looking on, with a careless regard, to the operations of this necessity—more severe and more certain to subdue him than the lash or the wheel. Circumvent a man and get him drunk; cheat him; get his bond for as much as he is worth; take him under execution; take the bed from under his wife and children—all this is legal: does not justify any interference of neighbors, or neighboring States, to set it right: does not forbid an extension of territory. These scenes strike some with no horror; but this kind of oppression, distress, and slavery, strikes me with the greatest horror. Set the horror of the one against that of the other, and the argument, so far as relates to the extension of the bounds of negro slavery, is about balanced.

I have no great desire to extend slavery of any kind. Negro slavery and its extension had nothing to do with the propriety of the passage of this bill, or the adjustment of our rights with Mexico. The bill ought to pass, in compliance with the law and the treaty; and pass immediately, to sustain the faith and credit of the nation, and because it is right that every nation as well as every individual should avoid interfering, nay, even the appearance of interfering, with the quarrels, and especially the domestic quarrels, of their neighbors. Our relations with Texas and Mexico should be preserved settled, and kept in good faith, without regard to negro slavery; and the measures of the Federal Government debated, adopted, and taken, without any such unworthy distrust of each member or section towards the other; and more especially without any taunting from one section towards the other in regard to any misfortune, peculiarity, or impropriety, which the one may conceive to exist in the other. Such a course would always induce recrimination. It could do nought else. And if all our skirts were examined closely and uncharitably, enough would be found to give us sufficient cause for humility. When we came into this Union, we took each other for better or for worse, with a full knowledge on all hands of this institution of negro slavery. Let us not, then, said Mr. B., be told or hinted at, that our territorial limits or privileges in any way are to be circumscribed on that account.

Mr. HOAR was strongly opposed to the views of certain gentlemen with regard to Texas; and for himself, he said, whatever might be the result in that quarter, he never would give his vote for an inch of that territory to become an integral part of the United States, under any pretext whatever.

Mr. VANDERPOEL said that, but for some remarks made by an honorable gentleman from Kentucky, [Mr. CALHOON,] he would not have obtruded himself upon this committee; but silence under such allegations as had been made against Northern gentlemen might imply an assent to their justice. The honorable gentleman from Kentucky had more than insinuated that while the countenances of Southern gentlemen were beaming with joy and exultation at the recent intelligence from Texas, the faces of gentlemen from the North exhibited naught but gloom and disappointment. As a Northern man, he (Mr. V.) felt himself called upon to repel this charge, and to declare before this House and the world that he rejoiced, most fully and cordially rejoiced, at the triumph in Texas, the recent intelligence of which now seemed to animate so many countenances here. He rejoiced with a joy that he would always feel, when a gallant band, struggling for freedom, no matter in what portion of the globe, triumphed over the forces of a despot; and his joy upon this occasion was enhanced by the consideration that the victory here was one over a tyrant; who, if one half of the enormities imputed to him were true, had not only introduced more than savage cruelty into civilized warfare, but disgraced the age in which we live. But at the same time he must be understood as indulging in the sympathies which he here expressed as a man, and not as a legislator. He had already lived too long not to be aware that, as a general rule, it was extremely unsafe, when acting upon subjects of national

policy or national interest, to take counsel from our passions or our sympathies. Those public functionaries who yielded too suddenly to their impulses were often betrayed into imprudences, which proved them unwise and unsafe counsellors.

Mr. V. said he was not a little surprised to see how suddenly the tune of gentlemen was changed in relation to the feelings of the North, and particularly of a portion of that State which he had the honor in part to represent, in relation to the struggle in Texas. But a few days ago, and we were told that this revolution was the work, in part, if not chiefly, of New York speculators, who had made large purchases of lands in Texas, and were now, in the guise of philanthropy, exciting the citizens or subjects of Santa Anna to insurrection, for the purpose of consummating their unhallowed speculations. Have gentlemen forgotten the unmeasured denunciations with which an editor of a New York paper was visited here, because of an article in his paper in relation to Texas, which was read from the Clerk's desk? Were we not then told that the "vile editor of that journal" (as he was termed) was one of that miserable band of speculators, who were willing to swell their pecuniary profits at the expense of the peace of States, and the blood of valuable citizens? But now, for reasons that it requires but little sagacity to understand, we of the North, who had but a few weeks ago been so culpably instrumental in getting up this revolution, are not to be permitted to share in the joy which all freemen ever feel at the triumphs of the brave votaries of liberty. Sir, we will rejoice, we do rejoice, though some gentlemen from the South seem to fancy that, upon this occasion, they have the right to monopolize this privilege. Have gentlemen learned where the most expensive if not the first expeditions in the United States were fitted out for Texas, to aid her in her struggles? Have they been told where the President of the United States found it necessary first to inculcate upon the officers of this Government the duty of seeing that no forces should be enlisted contrary to the laws of the Union, for the purpose of being marched against a nation with which we were at peace? Ask the United States district attorney of the southern district of New York, and he will be able to tell you.

Mr. V. said that he had been not a little surprised at sentiments which had been uttered here to-day, at hopes and predictions that have been indulged in, as to the fruits to us that would flow from the triumph of the Texian arms. The honorable gentleman from Virginia [Mr. WISE] had indeed taken time by the forelock, for he had told us that he looked forward with joy at the prospect of the annexation of Texas to this confederacy, and seemed to derive much of his exultation from the belief that such an accession to our territory would serve to extend the "*terra firma*," upon which the slave interest of the South could rest.

Mr. V. said he would not say, for he did not now know, what course he would take, how he would vote, should a proposition here be made to annex Texas to the United States; but he was free to say, that if he should ultimately be induced to oppose its annexation to the United States, he would not do so from the apprehension that it would strengthen the influence and enlarge the sphere of the slave interest. He firmly believed that the contrary would be its effect; that it would secure to the free States accessions in this vicinity, which would more than counterbalance the addition of Texas to the slave interest. Admit Texas into the Union, and the day would not be far distant when Virginia, yes, old Virginia, with all her high moral influence, Maryland, (and he would almost add North Carolina,) would be numbered among the anti-slave States. The fine and productive sugar lands of Texas, so eminently adapted to slave labor, would justify prices for slaves there, which, in the event of its being annexed to the Union, would in a very short time drain at least three of the present slaveholding States of their black population; for already were the cotton regions of the new States of Alabama and Mississippi making heavy draughts for laborers upon the slaveholders of Maryland, Virginia, and North Carolina; and if you were to add to the Union that immense territory now about to be wrested from the sanguinary rule of the ruthless Santa Anna, a region in which the sugar cane will spring up so luxuriantly; and, my word for it, we of the North would soon be able to hail "the Old Dominion," with some two or three of her sisters, as non-slaveholding States. If a slave, worth only five hundred dollars here, would command a thousand dollars in Texas, it would be calculating against all the potent laws of self-interest to presume that the slaveholder here would not part with his slaves. He could never, therefore, oppose the incorporation of Texas in the Union from any considerations connected with slavery.

Mr. V. said he had another word to say before he sat down, in support of one of the positions with which he had started. He had stated that the sympathy which he felt at the triumph of the Texian arms, he cherished as a man, and not as a legislator. He must first have erased from his mind those lessons of wisdom which had been taught by the Father of his Country as to the danger of intermeddling as a Government with the affairs of other nations, before he could consent or vote to lend this Government to any foreign struggle, however meritorious. The word "neutrality," not "entangling alliances," indicated the policy with which the wise men who established this fair fabric of freedom supposed the true interest of our country to be connected. It was almost superfluous to urge that a Government like ours could not long exist if it pursued an officious intermeddling policy with the affairs of other nations. We had in our day and generation seen and heard enough of oppression under other dynasties, enough of the struggles of the brave to become free, to have often filled our bosoms with anxious hope and agonizing sympathy. Still we could not, without a dereliction of that policy in which our true interest lies, lend to the oppressed abroad the strong arm of this Government; we could not, in our public capacity, without forgetting our duty to our constituents and our country, like Peter the hermit, fix a strap on our necks, and sally forth on a crusade against despots. We had too much to do at home; and if we once entered upon this Herculean task of setting the world free, and straightening the affairs of other nations, we would soon find our hands entirely too full. He (Mr. V.) belonged to a border State. He heard a great deal said about the abuses which the colonists north of him suffered; those colonists, many of whom were his friends and his kindred. He would not say, for he did not know, whether their complaints were well or ill founded; but if their grievances were real, and not imaginary, he would lend them the tear of sympathy as a man and a relative; but he would not so far forget his duty as a legislator; he would not so far jeopard the peace and prosperity of his country; he would not so suddenly relinquish her long and well-tried policy, as to connect this Government with the convulsions that might at any future time agitate the northern section of North America. As an individual, he might admire, yes he was free to say he did admire, that spirit of chivalry which had prompted many gallant spirits of this country to go to the aid of their neighbors in Texas, without the sanction of their Government; but he could not at this late day abruptly abandon those principles, those lights which had guided this nation to such a summit of happiness and prosperity, and connect it with the struggles

and revolutions of other nations, though they might be conflicts between freedom and despotism.

The debate was further continued by Mr. HOLSEY; when, on motion of Mr. MANN, of New York, the committee rose, and

The House then adjourned.

TUESDAY, MAY 17.

MEXICAN AFFAIRS.

Mr. ADAMS asked the consent of the House to submit the following resolutions:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, copies of any overture made since the 3d of March, 1829, by his authority, to the Government of the United Mexican States, for the acquisition by the United States of any portion of the territories of Mexico; and copies of all correspondence between the two Governments relating thereto, and upon any question of boundary existing between the United States and Mexico.

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, a copy and translations of any law, decree, or ordinance of the Mexican republic, abolishing slavery within the territories thereof, which may be in the possession of the executive department of the United States.

Objection being made, Mr. ADAMS moved to suspend the rule for the purpose stated, and asked for the yeas and nays on his motion; which were ordered.

Mr. MASON inquired whether it would be in order to call for a division of the question, so as to vote upon suspending the rule for the introduction of each resolution separately?

Mr. ADAMS was willing, if the House would permit the introduction of the resolutions, that the question on their adoption should be divided.

Mr. MERCER and Mr. WHITTLESEY suggested to the gentleman from Massachusetts to waive his motion until the standing committees should report.

Mr. ADAMS acquiesced in the suggestion.

DEPOSITE BANKS.

The report of the Committee of Ways and Means, fixing a day for the consideration of the bill in relation to the public deposites, was announced as the unfinished business.

Mr. WHITTLESEY, of Ohio, moved to postpone the report until to-morrow.

Mr. OWENS hoped this resolution would not be further postponed. It had been before the House upwards of a month, and he trusted it would be now disposed of.

The motion to postpone was negatived.

Mr. WHITTLESEY, of Ohio, supposed that the gentleman from Massachusetts had withdrawn his motion to suspend the rules to enable the committees to report, and not with a view of considering a report heretofore made.

Mr. ADAMS had not waived his motion for the purpose of considering existing reports, and he therefore renewed the motion to suspend the rules to enable him to offer the resolutions heretofore read.

The motion to suspend the rules was negatived: Yeas 74, nays 85.

The House then took up the resolution reported by the Committee of Ways and Means, (as amended,) providing that the bill regulating the deposites of the public money in certain local banks be made the special order of the day for the day succeeding the disposition of the appropriation bills, and that it be considered from day to day (Fridays and Saturdays excepted) until disposed of.

The amendment offered by Mr. VINTON on a former day, providing that the bills then on the Speaker's table should be first disposed of, was agreed to.

Mr. BELL moved to amend the resolution by striking out all after the word "resolved," and inserting, "that the bill in relation to the deposites of the public moneys be made the special order for Wednesday, the 25th instant, and each succeeding day, until disposed of.'

After some suggestions by Messrs. BELL, CAMBRELENG, SUTHERLAND, MILLER, THOMAS, and HOPKINS, the latter asked for the yeas and nays on the motion to amend.

Mr. ADAMS moved to lay the resolution and amendment on the table.

Mr. VANDERPOOL asked for the yeas and nays on this motion; which were not ordered, and the House refused to lay the resolution on the table: Ayes 70, noes not counted.

Mr. MILLER then moved to postpone the further consideration of the resolution and amendment until Monday next.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on the resolution; which were not ordered, and the resolution was postponed until Monday next: Ayes 95, noes not counted.

CONVENTION WITH SPAIN.

Mr. JOHN Y. MASON, from the Committee on Foreign Relations, reported the bill to carry into effect the convention with Spain, returned from the Senate with an amendment.

Mr. MASON, of Virginia, moved that the House disagree to the amendment. He stated that the bill had been two successive years reported by the Senate with provisions similar to the amendment now proposed, imposing upon the Attorney General the duty of distributing the money to be awarded to claimants under the convention with Spain. The committee of the House, this session, had not thought it proper to impose this duty on the Attorney General, and preferred to take the course always adopted in similar cases since the establishment of the Government, of appointing commissioners to examine and decide upon the several claims. The appropriation for compensation had also been reduced by the Senate; and Mr. M. hoped the bill would not be committed, but that the House would disagree to the amendment.

Mr. ADAMS was opposed to the amendment for several reasons: first, there was a general objection to the propriety of accumulating offices in the hands of the same individual; there might be cases where it would be proper for persons to hold more than one office at the same time; but it was a practice to be avoided; and he did not think this case an exception to the general rule. But if it was ever proper to unite offices in the same person, this was a proposition to unite offices which were incompatible. The office of the Attorney General, he said, was essentially ministerial, while this office was judicial. He did not mean to intimate any doubt of the honesty or intelligence of the Attorney General. He certainly was an honorable man; but, as the incumbent of a ministerial office, he must be supposed to belong to one of the political parties of the country, and it was not impossible he might feel such bias as to unfit him for holding a judicial station.

Another reason was, that this, being a judicial office, ought to be independent of the power of the Executive; it should not only be beyond political bias, but beyond the power of executive influence. He had heard, also, and he believed there was foundation for the rumor, that the present Attorney General intended to retire

from the office he now held, at the expiration of the presidential term, in about nine months; and as the duty is imposed not upon the man, but upon the office, the going out of the present Chief Magistrate would in effect dissolve the commission, and put the business into other hands for final settlement.

Mr. A. concluded by remarking that he hoped such a course would be taken as would not produce a conflict between the two Houses, or render a conference necessary. The House might disagree, and the Senate, if they saw fit, could insist; after which a committee of conference could be appointed. He moved that the House disagree to the Senate's amendment.

Mr. WHITTLESEY objected to a clause in the bill authorizing the President to draw from the contingent fund so much as might be necessary, for a part of the expenses, which he thought an extraordinary power; but it was too late to make any further amendments in the House.

The question was then taken, and the House disagreed to the amendment.

FORTIFICATION BILL.

On motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. Mann, of New York, in the chair,) and resumed the consideration of the bill making appropriations for fortifications for the year 1836.

The question being on the motion of Mr. Cambreleng to amend the bill by inserting a clause appropriating $700,000 for the armament of the fortifications—

Mr. MAURY, who was entitled to the floor, rose and spoke as follows:

It is not my purpose, Mr. Chairman, to enter at large, and in detail, into a discussion of the provisions and merits of the bill immediately before the committee; nor yet into the propriety of the pending amendment to it, which proposes to appropriate the additional sum of $700,000 for the armament of fortifications. I am prepared to vote for liberal appropriations in furtherance of that or any other object which connects itself with the public defences. And the only inquiries with me, preliminary to my support of such appropriations, will be, can they be expended, profitably, judiciously, and within the year, upon the objects proposed?

The object, however, which I have more immediately in view, is to avail myself of the latitude of debate, which custom allows and propriety sanctions when in Committee of the Whole on the appropriation bills, to express, briefly, my opinions in regard to the disposition which should be made of the surplus revenue; and, more especially, to vindicate the cause and party with which I am associated, from the aspersions and imputations which, here and elsewhere, have been cast upon them.

In relation to the subject first in order, it can, I think, be satisfactorily established that, after deducting the ordinary annual appropriations and disbursements, there will remain a vast amount of surplus money in the Treasury. I propose to examine, succinctly, into its probable amount, and to throw out some suggestions as to its proper disposition.

From a recent report of the Secretary of the Treasury, it appears that, on the 1st of April last, the amount of available funds in the Treasury was $32,000,000; of which sum about $11,000,000 were received from customs, and from the sales of the public lands, during the first quarter of the present year. By the rule of proportion, of which the application in this regard is justified, I am informed, by the analogies of our past financial history, the receipts from the same sources, for the remaining three quarters of the present year, may be fairly estimated at $33,000,000. Adding to this amount the balance in the Treasury, as above stated, on the 1st of April, and $7,500,000, the present value of the Government stock in the Bank of the United States, and the probable amount of disposable funds, by the 1st of January next, swells into the startling aggregate of $72,500,000! The only element in this calculation susceptible of cavil, or liable to the imputation of inaccuracy, is the estimated receipts for the remaining three quarters of the present year. Deducting, then, $4,500,000 for any such possible deficiency, there will still remain $68,000,000 subject to the disposition of Congress.

Without entering into any minute calculations of the probable amount of expenditures for the present year, for purposes ordinary and extraordinary; for the army, navy, and civil list; for arsenals and arms; for the completion of fortifications already begun, and the commencement of others in contemplation; for the execution of such treaties as may be entered into with any of the Indian tribes; and for the protection of our southern and western frontier from hostilities, actual or menaced, it may be safely assumed that all those objects of expenditure cannot possibly absorb more than $41,000,000; leaving in the Treasury, subject to any other uses, an unexpended balance of $27,000,000. The grave question then arises, what disposition shall be made of this vast residuum of surplus treasure? Shall it remain in the Treasury an unproductive mass, useless alike to the Government and to the community? or form the basis of additional loans by the deposite banks? or be appropriated to such purposes as Congress, having a due regard to the constitution and to expediency, may designate? To one of these alternatives it is necessarily restricted.

The first proposition, that it should remain in the Treasury unemployed, does not deserve the consideration of a moment. The policy of hoarding up treasure in the national vaults has long since ceased to form a part of the political economy of nations. Abstracting, as it would do, the sum thus locked up, from the circulating medium of the country, its tendency would not less inevitably be towards impoverishment, towards draining the sources of national prosperity, than would the continual evaporation of moisture, without its wonted return in grateful showers and refreshing dews, convert our fertile country into a barren desert.

To the second plan, the objections are many and insuperable. Money has been said to be the sinews of war. It may, with equal propriety, be called the sinews of power, whether in war or peace, in a state of repose or of agitation. It is not an element of power merely, but of power exerted through the basest and most sordid passions of our nature. To place millions of the public treasure at the disposal of the Government, to confide to the Executive the discretion of selecting and changing, at pleasure, its places of deposite, is to put in its hands the means, and hold out the temptation, of using it for the purposes of corruption. An immense fund, continually accumulating, and not liable to be drawn upon, deposited in banks selected on principles of favoritism, what is it but the loan of its full amount to the favored institutions, and that, too, without interest! What an active competition would it not produce for a participation in its benefits! What a lure held out to the cupidity of avarice! What a powerful argument in favor of conforming to the political creed of those in power! Of sacrificing, on the altar of Mammon, the independence of thought and of action, those dearest attributes of man, without which freedom is but a name, and the forms of free institutions an unsubstantial mockery!

This plan is liable to the further objection that it will operate as a virtual transfer of the power to regulate the currency from Congress, to which it is confided by

the constitution, to the Executive, from which it is withheld; enabling the President to produce a contraction or expansion of paper issues—a tension or relaxation of the fibres of commerce—an elevation or depression in the value of property, at any given point, as a reward for subserviency to his views; as a punishment for entertaining antagonist preferences and principles in regard to men and measures; and as the means of promoting the designs, and glutting the avarice, of stockjobbers in politics, in trade, and in the purchase and sale of property of every description.

Sir, it cannot but be matter of grave surprise and animadversion, that the members of that party which arrogates to itself the exclusive title of republican, and professes to make open war upon exclusive privileges and moneyed monopolies, should be the only advocates of a policy which will enable the wealthy capitalist to enjoy the exclusive usufruct of the public treasure; to trade upon money not only not their own, but belonging to the people, from whose pockets it was taken, and to whose pockets it ought to be returned; and to increase the issues of that very paper currency denounced by the party as spurious and unsound, and which it is their professed object to limit and reduce, and all this in the name of democracy!

It is, then, the duty of Congress to obviate this inconvenience of an overflowing Treasury—to reduce this plethoric condition of the body politic. Let us consider the various plans which have been proposed to effect this object.

And, first, it has been suggested, faintly here, more boldly elsewhere, to break in upon the provisions of the compromise bill of 1832—to reduce the tariff of duties down to the revenue standard. One objection to this proposition is, that it is inadequate as a remedy—that it will not reach the evil complained of. No revision of the tariff, however promptly made, can affect the immense amount of revenue already accumulated, and which will continue to accumulate, before any law for its reduction can be carried into practical effect. The evil of a surplus, consisting of at least $30,000,000 beyond the most extravagant wants and requirements of the Government, will still exist. The tariff, then, may be reduced, and still this redundancy continue.

Another objection grows out of the circumstances and considerations in which the act in question had its origin. It was the result of that spirit of mutual concession and compromise between conflicting interests which lies at the foundation of all our institutions. Two interests of an opposite and apparently incompatible character, giving existence to parties defined by geographical divisions, and threatening the integrity of the Union, had arisen in the country. From a war of legislation it was about to be changed into a war of which the sword would be the arbiter. The political atmosphere was rife with the elements of discord—of civil, if not servile war—of disunion itself. It was in the midst of such inauspicious present and imminent prospective evils and disasters that the compromise act was passed. Unacceptable as it was to both interests, and intrinsically objectionable as it may be, it was still incomparably preferable to a disruption of the Union, or a cement of its parts with blood. It was a sacrifice, offered by patriotism, on the altar of union. It received the support of all parties, except the ultra-tariff; has thus far been acquiesced in by all interests, without exception; and its inviolable observance has been repeatedly pressed by the President upon the forbearance of Congress. Liable to objection, as it certainly was, yet those objections diminish, in magnitude and importance, with each revolving year. Under its operation the tariff is in the process of gradual reduction; which process will continue, till ultimately, and at a period definite, and not remote, it is lowered to the revenue standard. Let it not be disturbed; let it be observed in good faith by the South, while its provisions are onerous to them; and this forbearance will impose a corresponding obligation on the part of the North, when the law shall have expired by its own limitation, to acquiesce in the abandoment, which it recognises, of the protective principle.

Sir, it was under this system of protection, adopted by the majority, and carried out into overt acts of legislation, that the manufactures of the country have been fostered. It was under a belief that this policy would not be rashly departed from that capitalists invested their funds in manufacturing establishments; and its abrupt abandonment, before the interests thus reared and encouraged could accommodate themselves to the change, while it would have an injurious bearing upon those interests, might be plausibly charged upon the Government as a violation of its implied faith. Sudden changes of policy, rapid transitions from one system of measures to another, are unwise, unjust, partial, and oppressive in their effects, and oftentimes destructive of the very ends intended to be accomplished. They discourage the ventures of capital, circumscribe the operations of trade, paralyze the arm of enterprise, and generate distrust and want of confidence in the stability of existing institutions. Opposed in principle, as I am, to the protective system, and cordial as would be my co-operation in any just and prudent measure to discontinue it, yet I would hesitate to be the cause of its premature and unwise agitation. It is a sealed fountain, which ought not to be opened hastily, or upon light considerations; and he who expects that, like the pool of Siloam, the troubling of its waters would exert a healing influence on the body politic, cleanse it of its leprosies, or reduce its dropsical condition, has looked with unobservant eye upon the circumstances and condition of the country. Sir, the elements of discord are already sufficiently numerous and active, without the addition of this to the number. The ghost of the tariff has been laid; let it not be again raised, in all its buried terrors, to stalk into this hall, and frighten us from our propriety. The Union is too precious, too beneficent in its practical workings and effects, obviates the otherwise inevitable occurrence of too many and calamitous evils, thus lightly to be hazarded.

To relieve the Treasury of this surplus fund, several other projects have been devised. It was proposed at the last session of Congress, by a distinguished Senator from South Carolina, so to amend the constitution as to confer upon Congress the power of distributing it among the States, in the ratio of their representation in Congress, limiting the duration of the power to 1843, when the compromise act will expire by its own limitation, and the revenue may be reduced to the economical wants of the Government. This plan, otherwise, perhaps, the most eligible that could be adopted, is liable to two objections. It is doubtful, in the first place, whether the concurrence in its favor of three fourths of the States could be obtained; and, secondly, it could not be obtained, if at all, in time to obviate the evil intended to be remedied. These objections, though they do not affect the abstract merits of the plan, yet, in their practical bearings upon it, operate with fatal effect.

Another project, of which the paternity appertains to a distinguished Senator from my own State, [Mr. GRUNDY,] is, to loan the surplus in perpetuity to railroad companies, on condition of the transportation, without charge by them, of the mail, and of troops and munitions of war, whenever required by the exigencies of the public service. The security proposed for the faithful performance of these conditions is a lien upon the property of the corporations, subject, however, to any previous liabilities which may have been incurred. If the stock

be profitable, and free from other encumbrances, this security might be sufficient: but, if otherwise; if the annual receipts should fall below or not justify the expenditures, it is not difficult to foresee that the proprietary interest in the roads would soon vest in the Government, with all its onerous entail of obligations and liabilities. In process of time, the Government might, in effect, hold in its hands the entire communications of the country. This plan, likewise, would necessarily produce a partial dispensation of the national bounty, inasmuch as railroads exist, for the most part, in old and densely populated portions of the Union, where their construction is justified by the exigencies of intercourse arising from business or pleasure: while other sections, of younger date, less felicitous locality, and holding out fewer inducements to this mode of investing capital, would be precluded from participating in its benefits. It might, moreover, be wielded by the Executive as an engine of power, to operate upon whole communities, by dispensing or withholding, as policy might suggest, the advantages which would flow from the disbursement among them of large sums of money. That feature of the plan which provides for the advance of funds for the elongation, to an indefinite extent, of roads already begun, is liable to the objection that it will be virtually accomplishing, by indirection, that which its authors admit cannot be directly done; in other words, it would be, in effect, a recognition of the power of Congress over the entire system of internal improvements, or, rather, it would be a transfer of the power to the President, through the agency of the Postmaster General; whereas, if that system be gone into at all on a national scale, the designation of its objects should be of the resort, not of the executive, but of the legislative department.

It has been suggested by a distinguished Senator from New York [Mr. Wright] to apply this surplus treasure to the purchase of stock owned by the States in corporate companies, or for the redemption of which the faith of a State may be pledged, the interest or dividends of the stock to enure to the Treasury of the United States, and the stock itself to be disposed of whenever required by the wants of the Government. The tendency of this plan, viewed in its aspect of profit and interest, is to increase the very evil complained of. The body politic is in a plethoric condition, and the remedy proposed is, not depletion, not an abstraction of the peccant fluids, but an increase of the very aliment which has conduced to its overgrown proportions! If the funds thus invested be considered as a loan to the States or to corporations, it would be presenting the Government in the new and somewhat degrading attitude of a money-lender, and placing the States or corporations, as the case might be, in the dangerous relation of debtors to the United States. But it requires not the spirit of prophecy to foretell that it would be a loan only in name; that it would never be repaid; that it would be a virtual gift of the amount thus invested. If it be a gift, then, let it be given openly, not by indirection, not by an evasion of the constitutional difficulty which exists in regard to the power of Congress to distribute surplus revenue, as such, and without reference to the source from which it is derived, among the several States. This, it seems to me, would be the more manly course of proceeding, and better comport with the dignity of the Government of the United States.

The two remaining projects which I have to consider, are the proposed application of the surplus to the public defences, and the distribution among the States of so much of it as has accrued from the sales of the public lands, or its nett proceeds, in the ratio of federal population. Happily for the country, the relative eligibility of these plans is not necessary to be inquired into. They do not present themselves in an alternative aspect, but are perfectly compatible with each other, and may be concurrently carried into effect.

The considerations connected with the national defence are of primary and constitutional obligation. The Government would be recreant to its highest and most imperative duties, if it were unmindful of them. Let us inquire, briefly, into the nature and extent of the defensive preparations required.

Looking to our geographical position, with no formidable foreign Power bordering, in dangerous proximity, upon our frontiers; with inconsiderable provinces, and capacious lakes, or rather inland seas, upon our north; with the distant republic of Mexico, sparsely populated, and weakened by internal dissensions, on our south and southwest; with powerless and decreasing Indian tribes, interminable prairies, a stupendous chain of mountains, and an immense ocean, on our west, we have nothing to apprehend from any combination of force which may be brought to bear upon us from those directions. Making the inadmissible admission that our advance in all the elements of strength and prosperity will not be commensurate with that of our neighbors, yet ages must elapse before any Power can arise from among them of sufficient importance to require defensive measures, upon any scale of magnitude, along our frontiers. It is to the east, then, along our extensive line of seacoast, brimming the broad Atlantic, and presenting numerous points of access and assault, that we are to look for belligerant demonstrations. The arm that is to strike us with effect must be stretched across the ocean. It is, then, our obvious policy to complete the system of fortifications which, since 1816, has been in the progress of execution; not to build a Chinese wall; not to erect a continuous line of batteries, to mount and man which would require a supply of the *personnel* and *materiel* which would exhaust the fiscal resources of the country; not to construct fortifications on every projecting headland, in accordance with the suggestions of some visionary politicians: but to protect our navy yards; to fortify the harbors of our large commercial seaports; to render our great estuaries, the mouths of our navigable rivers, inaccessible to a hostile fleet. Beyond this extent this system should not be carried. Upon the navy, as our principal means alike of defence and of aggression, reliance should be had in all future contests. It is the only arm of national strength which has never been exerted in the cause of national oppression. While it may be made omnipotent in repelling invasion, and in hurling its thunders on the shores of the aggressor, it is powerless as an engine of domestic enslavement. Its faculty of locomotion, of moving with celerity from one point to another more exposed, renders a smaller force, equipped at less expense, more available than those frowning fixtures of the land, whose powers of annoyance are limited to the range of their cannon, and can only be put forth in self-defence. I sincerely hope, sir, that, in all the contests in which we may be hereafter engaged, the theatre of operations will be confined to the ocean. Let the enemy be kept at arm's length; let not our shores be polluted by his unhallowed footsteps. Let our cities be preserved from sack and pillage; our altars, our household gods, from desecration; our fertile fields from ravage and desolation; our country from all the horrors and calamities which follow in the train of grim-visaged war. In effecting all these objects, securing all these advantages, obviating all these evils, a powerful marine is the most efficient agent. I will cheerfully yield my support to any measure having for its object the strengthening this main arm of national defence, of increasing it to the extent that the magnitude of those great interests, whether of commerce or of conflict, confided to its care, may require. Our attention should, especially, be directed to the collection, fabrication, and storage of those materials, capa-

ble of preservation, or indestructible in their character, which enter into the composition of ships of war.

In appropriating money, however, for these as well as all other objects, the moral obstacles to be encountered, and the limited capabilities of corporeal nature, are elements which must be taken into the calculation. Regard should be had to the supply which can probably be procured of artificers and laborers. An immeasurable disparity between conception and execution is one of the inconveniences of our complex structure. Mind is essentially dependent upon matter for the accomplishment of its designs. To borrow the language of the great moralist and lexicographer of England, "we contrive in minutes what it takes years to execute, and the soul stands, in the mean time, an idle spectator of the labor of the hands, and the expedition of the feet." The appropriation of money beyond the capabilities of expenditure is essentially deceptive in its character, inasmuch as it will operate as a mere transfer of the amount of unexpended balance from the credit of the Treasurer of the United States to the credit of the disbursing officers or agents. This unexpended balance will still remain in the deposite banks, and form the basis of additional discounts by those institutions. The amount of appropriations for the service of the past year was considerably less than the probable aggregate of those for the present; and yet, of those appropriations, there remains in the Treasury an unexpended balance of several millions of dollars. An express recognition of the principle of extending appropriations beyond the necessities and probable capacities of expenditure of the current year has been studiously abstained from by the prudent forecast, the wise jealousy, of our predecessors. Let us not set the example of a contrary policy. Appropriations, specific in object, and short and definite in point of time, have ever been regarded as the great conservative principle of representative government. The perseverance, in past periods, of the Parliament of England, in refusing to grant permanent supplies to the Crown, was one of the most efficient causes of the preservation of English liberty.

It may be safely assumed, then, that after the most liberal appropriations for all objects, ordinary and extraordinary, connected with the public defence, there will still be a balance in the Treasury of at least $30,000,000. The bill from the Senate, providing for the distribution among the States of the nett proceeds of the public lands, according to the ratio of population, will embrace something less than that amount. I concur with the President in the opinion heretofore expressed by him, that a partition of the surplus revenue in some such mode is the most safe, just, and federal disposition that could be made of it. The doubt implied, in the remarks of the President alluded to, of the power of Congress to distribute it, as surplus revenue, without reference to the source from which it came, is conceived to be obviated by the provisions of the bill in question, embracing, as it does, only such portions of the revenue as have accrued from the sales of the public lands. It is not my purpose, however, to enter into an argument to prove its constitutionality. The attempt to do so would be but a feeble iteration of what has been more ably and forcibly urged in the other wing of this Capitol. Suffice to say, that the public lands were ceded to the Federal Government by those States in whom the proprietary interest resided, subject to the payment of the national debt. That the reversionary interest in the residue was, by the terms of the compact of cession, vested in the several States, "according to their respective proportions of the general charge and expenditure." That the cession, upon these conditions, was anterior to the adoption of the present constitution, which expressly recognises the validity of previous engagements, and the binding force of pre-existing obligations. That those portions of the public domain comprehended within the limits of Louisiana and Florida may fairly be considered to have been purchased out of the proceeds of the sales of the lands thus ceded. That the Federal Government, standing towards the States in the relation of a trustee towards his *cestui que trust*, not only have the power, but are bound by all the obligations of good faith, to distribute this residuary fund in the mode prescribed in the several compacts of cession. And that the provisions of the Senate's bill are the nearest practicable approximation to that mode. These, in brief, are the principal arguments in favor of the power of distribution in the manner proposed.

The arguments drawn from expediency are, that it will relieve us from the evils of an overflowing Treasury; that it is the most just, equal, impartial, and least obnoxious to exception, of all the projects yet devised to effect that object; that it will confer upon the States the faculty of bettering their condition in a moral, social, and commercial point of view, by enabling them to carry into effect the most extensive and beneficent plans of education, intercommunication, and internal improvement of all kinds: thereby elevating the standard of the public morals and intelligence; increasing the guarantees, and insuring the durability, of constitutional liberty; multiplying the avenues and facilities of intercourse; strengthening the bonds of union by additional ties of inclination and interest; quickening trade; stimulating enterprise; invigorating the exertions by enhancing the profits of labor; and enriching the entire surface of the country by the unwonted disbursements which it will occasion.

I was surprised to hear it asserted the other day, by the gentleman from Georgia, [Mr. TOWNS,] that this bill recognises the constitutional power of Congress over the entire subject of internal improvement. Now, sir, my mind has arrived at a directly contrary conclusion. It not only takes away from Congress the means, and thereby removes the temptation, of the exercise of this power, but it does away not only all necessity, but all pretence of the necessity, of legislative action on it, by the General Government. It puts in the hands of the States the funds which will enable them to prosecute to completion their own works of internal improvement. It will not only lessen the patronage and weaken the powers of the General Government, but it will increase and strengthen the patronage and powers of the States in the same proportion. The State Governments will possess the power of designating the objects, of selecting the agents, of dispensing the benefits which would flow from this new and extended system of disbursements. The people will accustom themselves to look more to the States and less to the General Government, as the source of employment; and as the dispensers of its appropriate avails. Viewed in this aspect alone, the measure comes commended to our adoption by the most obvious and forcible considerations of expediency.

With this exposition, necessarily brief and imperfect, of my views in relation to the topics on which I have touched, I will now address myself to that other task, which principally induced me to address the committee—to place the cause and party with which I am associated in what I conceive to be their true attitude before the country. Judge White and his friends have been charged with an abandonment of the principles which have heretofore marked their course, with having put themselves in opposition to the measures of the present administration: Judge White, because he has suffered his name to be used as a candidate for the presidency, against the nominee of a caucus or convention; his friends, because they persevere in their support of him, in defiance of that nomination. I admit the specifications,

but deny the conclusions drawn from them in general and particular, in aggregation and detail. I go further, and say that the very reverse of those conclusions is fact. I assert that Judge White and his friends still adhere to the principles which brought General Jackson into power; that they not only remain firm to those principles, but that they have supported every leading measure of the present administration; that if there be any thing equivocal in the attitude which they at present sustain towards the administration, the fault or the change is not in them nor in their principles.

In support of these averments, I will endeavor to prove, in the first place, the identity, in point of position and principle, between Judge White now and General Jackson during his first canvass for the presidency. As the administration of Mr. Monroe drew towards its close, the attention of the nation was turned towards the choice of his successor. Several candidates were put in nomination, all members of the cabinet or of Congress. Of these, one was in the line of cabinet succession: another was sought to be upheld by conforming to what were called "the usages of the republican party," viz: by caucus nomination. To both of these candidates strong exception was taken, by a large portion of the people, not on personal grounds merely, but from considerations connected with their respective positions. These were, opposition to cabinet, or any fixed order of succession—to caucus nominations, or to any fixed mode of designating a successor.

To show the state of public feeling in relation to cabinet succession, it may not be inappropriate, in this place, to advert to a contemporaneous fact. When the constitution of Bolivia was first published in this country, that provision of it which confers upon the President, for the time being, the power of appointing his successor, received, as it deserved, the unanimous and unqualified denunciations of the American press. Bolivar, its author, was charged with having deserted the principles for which he had so nobly and triumphantly contended in the field; with having ceased to follow in the footsteps of Washington, whom he had affected to consider as his great exemplar; with having, in effect, become a convert to the doctrine of hereditary succession.

The venerable gentleman from Massachusetts, [Mr. Adams,] who now sits before me, encountered the full force of this objection. His then position, as Secretary of State, was urged against him, with great effect. The incumbent of that Department, in several consecutive instances, had succeeded to the presidency. The accident of to-day, it was apprehended, might ripen into the precedent of to-morrow, and, unless intermitted, acquire all the force and authority of prescription. We had seen a safe and glorious precedent, (which, on no pretext the most plausible of necessity, ought ever to be broken in upon,) set, in the first instance, by the Father of his Country, and which, by uniform observance, has become incorporated with the constitution itself, that no President should extend his ambitious views beyond two terms of service. And apprehensions were entertained that a precedent of a different character, the precedent of cabinet succession, from similar usage and observance, might obtain an equally authoritative hold upon the public mind. The three immediate predecessors of the gentleman from Massachusetts, it is true, had never been charged, or even suspected, of selecting their Secretaries of State with a view to the succession; but such, it was feared, would be the aim, and might become the attainment, of some future President, less mindful of the proprieties of his station, and less strongly imbued with the true spirit of our free institutions. In opposing, however, the election, on this ground, of the venerable gentleman from Massachusetts, the design was not entertained of disfranchising Secretaries of State, in all time, but merely to interrupt the continuity of the precedent, and destroy, thereby, the force of its authority.

This salutary caution, this wise jealousy, had its origin in the general sense, that any open and direct interference, that any ostentatious avowal of preference between rival candidates, that any official influence exerted, or executive patronage dispensed, by the President, for the purpose of operating upon the election of his successor, was wrong in point of principle, unsafe in point of precedent, and dangerous in tendency, if not in intention, to the liberties of our country. The dignity of Cæsar, conferred by the Emperors of Rome, vested in its possessor the reversion of the empire. And, sir, the annals of past history are rife with instances in which monarchs, remarkable for their wisdom in the cabinet and valor in the field, have selected successors who were their contrasts in every regard; who, destitute themselves of all the attributes of command, have yet been enabled, by a dexterous address, by assiduous attentions, by servile flatteries, by seizing upon those weak points of character from which even the greatest and best are not exempt, to worm themselves into the confidence of power, to sow distrust and suspicion where there had been friendship and reliance, to interdict the approaches of rival merit to the throne, and, finally, to reap empire as the reward of duplicity and circumvention.

Sir, mankind have ever looked with jealousy upon the especial favorite of supreme power. This feeling has its origin partly in the fact of historical avouchment, that favoritism is more often acquired by personal devotion to the ruling chief than by the possession and exertion, in the public service, of eminent abilities; and partly in the belief, that he who aspires to the high places of the Government should rely for success more on the force of individual merit, and less on the adventitious aids of power and patronage. That, like a high mountain, he should stand out in bold relief, his proportions distinctly defined upon the political horizon, resting on the broad basis of his own qualifications, and screened, by no intervening object, from observation and scrutiny. That he should resemble some lofty old hickory of the forest, its roots deep set in the earth, and its branches extending aloft and around, rather than the little, creeping, parasitical vine, that, by twining around its trunk, is enabled to lift itself into a region more elevated than it could ever have attained to by its own intrinsic strength and stamina.

Sir, allow me, in this place, to refer to a passage in English history. The court of Elizabeth, at one time, was divided by two adverse and contending parties: one acknowledging the Duke of Suffolk as its head, the other following the lead of the Earl of Leicester. Suffolk was frank, open, sincere, magnanimous, honest, and sagacious as a politician, of unblemished character, public and private, and intent only upon the true interests of his country, and the honor and glory of his royal mistress. Leicester was supple, insinuating; unprincipled, selfish in his designs, unscrupulous in his means to accomplish them; of an all-grasping ambition, which aimed, not at the succession, but at a connexion, by connubial ties, with royalty itself. Suffolk had the esteem of the Queen, founded on her knowledge of the sterling qualities of his mind and heart. Leicester, by the arts and blandishments of the courtier, had won upon her affections. Yet it is recorded of her, as a signal evidence of wisdom and self-denial, of the triumph of judgment over passion, that she was yet enabled to observe towards them the most even-handed justice: that however, in her private and social relations, she might give way to the tenderness of a woman attached even to infatuation, yet that, in all public transactions, she was ever mindful of the dignity and impartiality of the Queen. She felt and acted, not as the head of a party, but as the anointed sovereign of England should feel and act.

But to return from this digression. Another precedent tending to establish a fixed mode of selecting a successor to the presidency was to be found in caucus nominations. Of this system, and of the party which used it for their purposes, Mr. Van Buren was a principal advocate and leading member; in proof of which, I will read an extract from the address of the caucus of 1824 "to the republicans of the United States," of which he was the reputed author. It is as follows:

"We will not attempt to conceal the anxiety with which we are impressed by the present conjuncture. To our minds the course of events points to the entire dismemberment of the party. The injurious consequences likely to be produced by a departure from the ancient usages of the party will not be confined to the election of President and Vice President. Exertions are every where making to break up the entire system of conventions for the nomination of candidates in reference to State as well as federal elections. It is submitted, then, whether an abandonment of the practice will not involve the ultimate prostration of the system wherever it prevails, and with it the securities of the republican ascendency. It is from an apprehension of such results, in the event of the abandonment of established principles, and of the usages of the party, that we have adopted the proceeding now submitted to your consideration. The question is, in our best judgment, one touching the preservation or dismemberment of the party."

These sentiments were responded to by the then Legislature of New York. In the report of a committee of that body it was asserted that "there is no other mode (than the one in question) of concentrating public opinion;" "that it was necessary, not merely to the success, but to the preservation, and possibly the existence, of the republican party;" and that these considerations should commend its adoption "to all who feel any solicitude for the continued ascendency of republican principles."

A large portion of the yeomanry of the country began to be justly alarmed at the prevalence of principles and practices such as these. A central power, it was feared by them, was in process of creation at the seat of Government, which might eventually control the elective franchise, and convert the people, from the high character of independent electors, into mere political automata, for the registration of its edicts. They determined to resist this central power in each mode of its manifestation; to interrupt the continuity of cabinet succession; "to break up the entire system of conventions," and to reinvest the people in all their sovereign attributes of thought and action in reference to the choice of Chief Magistrate. It was against the latter practice, especially, that their exertions were directed. Whatever might have been the necessities in which it had its origin, however excusable its occasional use as the extreme medicine of the State, they conceived that it would be eminently injurious as its daily potion. The declaration and enforcement of martial law at New Orleans might have been justified by the exigencies of the occasion; but who would quote it as a precedent to authorize habitual violations, under ordinary circumstances, of the sacred guarantees of the constitution? The practice was renounced as dangerously restrictive of the rights of suffrage; as circumscribing the range of selection to office; as virtually disfranchising all others than its nominees; as superseding the provision of the constitution in regard to the election of its highest executive officer, and interpolating new provisions in their stead; as tending to place the entire power of the country in the hands of combinations and cabals among men in high places. It was unanimously affirmed by the Tennessee Legislature "that the practice of caucus nominations is a violation of the constitution;" that each department of the Government ought to be prevented "from exercising the smallest influence over the other;" and that "the members of Congress should not be the principal or primary agents or actors in the election of the President." In reply to the argument of usage and precedent, the Legislature said that "the actions of public men, heated by party zeal, and struggling for ascendency, ought not to be urged as precedents." The party publications of that day are replete with vehement attacks upon all such obnoxious practices and principles; but I will not weary the patience of the committee with further quotation.

As the personification and imbodiment, then, of this spirit of opposition, as the type and representative of a set of principles antagonist to those in question, and which were deemed of vital importance to the preservation, in their purity, of our republican institutions, General Jackson was selected. His great popularity, his talents and public services, displayed and performed in stations civil and military; the confidence reposed in his patriotism and integrity; his private and unofficial position—a Cincinnatus on his farm—unhackneyed in the ways of a mere politician, all eminently fitted him for the high mission to which he was preferred.

With Jackson for their rallying point, the people prepared to resume the exercise of their usurped rights. They met in their primary assemblies, and made their own nominations. They spoke through Legislatures, of which a number were elected with especial reference to this question. They denounced, in every shape, caucuses, conventions, Secretary succession, the officious interference of men in high places with the freedom of suffrage. Public sentiment, instead of descending, in noxious distillations, from a firmament studded with the constellations of greatness, rose, like the living principle of vegetation, from the earth, imparting a healthy and cheerful aspect to the humble valleys of society, and gradually endowing its eminences with congenial hues. The knell of the caucus system, at least in reference to national nominations, was thought to have been rung. Its nominee, in this instance, was signally defeated, and its obsequies were performed with all the solemnities which follow a final departure.

But in its stead has arisen a body more anomalous than itself. A national convention, constituted as such bodies have heretofore been, is but the essence and spirit of a congressional caucus, reproduced in a modified form; with this distinction in favor of the latter, that whereas conventions of the kind of which I am speaking are, for the most part, without a constituency, and therefore irresponsible; caucuses were composed of members of Congress, who are amenable to the people in the periodical exercise of the elective franchise.

Sir, what are the origin and composition of your modern conventions? Are they composed of delegates fairly elected by, and fully representing, the people at large, or even a majority of that portion of them who constitute the party to which they profess to belong? To conventions thus constituted no reasonable exceptions could be taken, except, perhaps, that it were anticipating the decision of the ballot-box. But such is not their constitution. A few self-created leaders of a party, to which they attach the exclusive cognomen of republican, consult together, select their chief, parcel out the principal offices among themselves, and possess their partisans and echoes of the newspaper press, at home, with the plan of operations agreed upon. By these means, meetings are gotten up, at which resolutions are adopted, appointing delegates initiated into the secrets of the party. These meetings are always informal, always composed of a small minority of the people, most commonly confined to the friends and relations of some high dignitary. No mode of proceeding is prescribed by law. Representation is apportioned according to no

established ratio. No sheriff makes proclamation, summoning the people to the polls. No sworn officers receive and record their votes. When the convention assembles, no credentials, no certificates of election, are required; conformity in political creed with the wire-workers behind the scenes is an ample passport to the privileges of membership. And yet a body of this character, composed, for the most part, of office-holders and office-seekers, or the especial friends of those who are, never elected by majorities, sometimes even self-constituted, assumes to dictate to the democracy of the land! claims for its decrees an authority paramount to the constitution itself! holds up its nominee as the great political *Venus de Medicis*, to which our opinions must conform, and by which our principles must be remodelled!

But it has been said by the gentleman from New York, [Mr. McKeon,] that Tennessee in sending delegates to the Baltimore convention of 1832, and yielding her support to its nominee, has committed herself to the system of national nominations. I happen to know something of the mode in which those delegates were appointed. A meeting was held in Nashville, composed partly of members chosen by minority meetings in a very small minority of the counties, and partly of persons accidentally present in that town at the time, who had not even the semblance of authority to act for any portion of their fellow-citizens.* The great mass of the people of Tennessee took no part in this movement, and are in no way committed by it. On the contrary, there was a deep under-current of feeling against Mr. Van Buren, originating partly in this very course, and which has since heaved to the surface, and manifested itself in opposing his advancement to a yet higher station; and if the people of Tennessee yielded a temporary and reluctant acquiescence in his nomination then, it was because an alternative was scarcely presented them, and because the vice presidential chair was considered to be infinitely subordinate in importance to that of Chief Magistrate of the Union. The President was the principal point of view; and they took the Vice President not because the man or the mode of his nomination was acceptable, but because of the venerated name with which it was associated. I have said, sir, that the position and principles of action of Judge White now are remarkably coincident, in every essential particular, with those of General Jackson in his first canvass for the presidency. General Jackson was applied to by a committee appointed at a meeting of the people of Dauphin county, Pennsylvania, to know whether he would consent to be a candidate for President. "My undeviating rule through life," says the general in reply, "and which I have and ever shall deem as congenial with the true republican principles of our Government, has been neither to seek nor decline public invitations to office." "The office of Chief Magistrate is one of great responsibility. As it should not be sought by any individual, so it cannot with propriety be declined, when offered by those who have the power of selection. It is interesting to the American people alone, and in the election they should exercise their free and unbiased judgment." "It was with these impressions, I presume, and without any consultation with me, that the Legislature of Tennessee, as an additional testimony of confidence in me, thought proper to present my name to the consideration of the American people. My political creed prompts me to leave the affair, uninfluenced by any expression on my part, to the free will of those who alone have the right to decide."

A similar application was made to Judge White. The following is a portion of his reply:

"I am aware that for some time past my name has been occasionally mentioned, in our own State and elsewhere, for the office you mention. I had never supposed it would be so far acceptable to the public as to render an application to me necessary, to ascertain my wishes or determination.

"Not having taken any pains to ascertain public opinion upon that subject, I am perhaps less acquainted with the sentiments of even our own State than any of my colleagues. As to my own wishes and determination, I can have no difficulty in giving you an answer.

"I am not conscious that at any moment of my life I have ever wished to be President of the United States; I have never knowingly uttered a sentence, or done an act, for the purpose of inducing any person to think of me for that distinguished station. When the duties and responsibilities of the office are considered, in my opinion it is an object more to be avoided than desired. I shall certainly never seek it while I have so little confidence in my own capacity to discharge the duties of it as I now have.

"Those for whose benefit it was created have a right to fill it with any citizen they may prefer, provided he is eligible by the constitution; and the person who would refuse to accept such an office, if offered by the people of the United States, ought to have a much stronger hold upon public opinion that I can ever hope to possess.

"My most anxious wish is, that in any use you may think proper to make of my name, you may lose sight of every consideration except the public interest. I have not had any agency in causing it to be used, and do not feel that I would be justified in directing the use of it to be discontinued. I can, however, with truth, say, that if those political friends who have used it thus far shall have reason to believe a further use of it will be an injury instead of a benefit to the country, and may choose to withdraw it, they will have my hearty concurrence."

Thus it will be seen that both of these distinguished statesmen and patriots avowed the same sentiments; that they both acknowledged the right of the people to an unrestricted range of selection, in reference to candidates for office, and the corresponding obligation of the person selected to permit his name to be used, and, if elected, to enter upon the discharge of its duties.

In 1824, Mr. Crawford was the nominee of a caucus, the candidate of the republican party: so is Mr. Van Buren in 1836. If General Jackson, in opposing Mr. Crawford, did not "lose caste" with the republican party, why may not Judge White claim a similar exemption, in allowing the continued use of his name against Mr. Van Buren? In 1824 it was objected, by Mr. Crawford's friends, that the multiplication of candidates consequent on the accession to the list of General Jackson, would prevent a choice being made in the electoral colleges, and throw the election into the House of Representatives—a contingency which they represented as fraught with the most disastrous consequences to the liberties of the country. And it is worthy of remark that the politicians and newspaper editors then and now extant, who used this argument with such urgency

* My name figures in the proceedings of that meeting. Happening, accidentally, to be in Nashville at the time, I attended the meeting as a mere spectator. I was unexpectedly announced by the chairman as one of the committee to report a preamble and resolutions. Taken thus at unawares, I hesitated what to do. Opposed, as I was, to the whole system of conventions, and to the intended nominee of the one to be held at Baltimore, I was yet sincerely attached to General Jackson, and did not wish to place myself in an attitude which would have the appearance even of hostility to him. I therefore withdrew from the meeting before the preamble and resolutions were reported by the committee, and returned home, a distance of about twenty miles that evening.—*Note by Mr. M.*

and repetition against General Jackson, are the same who are at present wielding it against Judge White: with what sincerity may be inferred from the fact, notorious as noonday, that, but for their opposition to the Judge, all probable occurrence of the contingency deprecated might have been prevented. But the objection, however forcibly urged, did not present itself to the friends of General Jackson in an aspect sufficiently formidable to induce them to withdraw him from the contest. The Legislature of Tennessee unanimously adopted a preamble and resolutions, in which it was declared that "this contingency was foreseen and provided for in the constitution," and that it was less to be feared than the vicarious and obtrusive agency of a body unknown to the constitution and laws, and which imposed fetters on the inappreciable rights of suffrage. The objection did not strike General Jackson himself with such force as, in his opinion, to render withdrawal on his part an act either of patriotism or of duty.

The preservation of the unity of the party was another argument urged with much zeal and earnestness by the advocates of the caucus nominee. It was alleged that "the ascendency of the republican party" was endangered by the multiplication of candidates, and the people were invoked by all the obligations of patriotism to prevent the evil consequences resulting from a division in its ranks. Nor were the arguments drawn from principle the only weapons used. Resort was had to vituperation and abuse. General Jackson was denounced, and that, too, by the organs of that very party which now claims to be the especial guardian of his reputation, as a tyrant; as unqualified by temper, education, and previous habits, for civil rule; and it was asserted that his election would be the infliction of "a curse upon the country." Attempts were even made to strip him of those laurels which he had plucked from the rugged brow of war, in many a well-fought field. And if these efforts were not crowned with success, it was because

> "True glory's leaves
> Are of the tree no bolt of thunder cleaves."

But the contest terminated in the election by the House of Representatives of the gentleman from Massachusetts; Gen. Jackson having received a plurality of the votes in the electoral colleges. His friends, however, undisheartened by defeat, presented him again as a candidate for the eminent charge. The war-cry of opposition to the new administration was sounded and continued from the starting-post to the goal. It was asserted that its accession to power was brought about by a flagrant violation of the rights of popular suffrage; that the will of the people had been defeated by a corrupt coalition. Exception was taken to the first message of the President, on the ground that in it were avowed ultra-federal doctrines. Corruption, besides, was alleged to exist in the administration of every department of the Government. The most fearful apprehensions for the purity and preservation of our free institutions were conjured up, in consequence of the extent and imputed abuse of the patronage of the Executive.

In 1826 a committee was appointed in the Senate, on motion of Mr. Benton, to devise ways and means for the limitation of executive patronage: among the members of that committee appear the names of White and Van Buren. The result of their labors was a report, accompanied with six bills. The object of these bills was to take from the Secretary of State the power of selecting the newspapers for the publication of the laws of the United States and the public advertisements; to regulate the appointment of postmasters; to regulate the appointment of midshipmen; to regulate the appointment of cadets; to prevent military and naval officers from being dismissed the service at the pleasure of the President; to secure in office the faithful collectors and disbursers of the revenue, and to displace defaulters. The report enforces the expediency of the passage of these bills, with all the force of argument, and all the amplifications of rhetoric.

[Here Mr. M. read a variety of extracts from the report, showing the alarming extent of the power and patronage of the President; the increase and multiplication of its objects; and the necessity that existed for their curtailment and limitation.]

I will trouble the committee with but one more quotation from this document: "Not being able to reform the Government in the election of President, they (the committee) must go to work upon his powers, and trim down these by statutory enactments, whenever it can be done by law, and with a just regard to the proper efficiency of the Government. For this purpose they have reported the six bills which have been enumerated. They do not pretend to have exhausted the subject, but only to have seized upon a few of its prominent points. They have only touched, in four places, the vast and pervading system of federal executive patronage: the press, the post office, the armed force, and the appointing power. They are few compared to the whole number of points which the system presents, but they are points vital to the liberties of the country. The press is put foremost, because it is the moving power of human action; the post office is the handmaid of the press; the armed force its executor; and the appointing power the directress of the whole."

Mr. Van Buren, it is fair to presume, was in favor of these bills; he belonged to the committee by whom they were reported, and no recorded evidence is extant of his having dissented from their principles. And yet the most important of them all, the one which was most extensive and all-embracing in its range, the bill to secure in office the faithful collectors and disbursers of the public revenue, and to displace defaulters, recently reproduced in the Senate, in form and substance, was met with determined opposition by his confidential friends in that body, and, from some ominous indications, awaits the same reception from similar quarters here. And yet this was one of the leading principles of the Jackson party of 1826! Judge White supported the measure then, and has yielded it a consistent support during the present session.

An amendment of the constitution, conferring the election of Chief Magistrate, in the first and second instance, directly on the people, and limiting his eligibility to one term, was another principal measure with the Jackson party of that day. Since his accession to the chief magistracy, Gen. Jackson has repeatedly and earnestly commended it to the favorable consideration and initiative action of Congress. Judge White and his friends have been willing and anxious to meet the recommendation in the spirit in which it was made. And yet postponement and evasion are the fate which it has received from the hands of the party, on hollow pretences and by pitiful subterfuges!

Specific appropriations, economy in disbursements, accountability of public agents, the retrogression of the Government to the halcyon days of Jeffersonian simplicity and republicanism, were likewise held out to the hopes of the people, by the opposition to Mr. Adams's administration. And yet appropriations have been supported by the party without specific designation of objects; the heads of Departments have been clamorously invoked to inform this House how much of the public treasure could be expended in the various branches of the public service; and agents charged by a member in his place with probable peculation and mismanagement of the public funds, have been shielded by the mantle of the party, and all investigation refused! Retrench-

ment and reform were likewise objects inscribed by the Jackson party on the list of legislative and executive duties. For the advancement of those purposes, a committee was constituted in the House of Representatives during the session of 1826. The more especial object was to ferret out abuses and corruptions in the administrative departments of the Government, to lop off redundant expenses, to discharge supernumerary clerks, &c. Shortly after commencement, however, their investigations were discontinued, on the suggestion of a distinguished gentleman from Virginia, (Mr. Randolph,) who stated that the then President and his cabinet, being opposed to reform, could throw such obstacles in the way of the committee as would render their labors ineffective and nugatory. It was thus that the cleansing of the Augean stable was deferred to a more auspicious period, when all the political elements, legislative and executive, would harmoniously blend and unite in the great work of departmental regeneration.

The main argument which has been urged in favor of limiting the service of the President to one term is, that his measures might be shaped, and his appointments to office bestowed, rather with the view of securing his re-election than for the purpose of advancing the prosperity of his country. But if these powerful engines should be wielded to effect the elevation to power of a favorite candidate, does not this objection operate with equal, if not greater, force? Is not the principle involved essentially the same? Is the love of office, held out to an anxious expectant, the less tempting, that adhesion, not to the President himself, but to the President's favorite, is the means of obtaining it? Sir, if it be known and avowed that the President for the time being has a decided preference between rival candidates for the succession, will not the knowledge of that circumstance, without any explicit intimation or requirement on his part, operate as a powerful inducement, not with office-seekers merely, but with office-holders apprehensive for their places, to make his measures and preferences their measures and preferences? Would it not readily be inferred that the surest mode of securing or obtaining office would be to shout hosannas to the rising sun? Is it unreasonable to presume that the heir apparent, as the period of his probable accession approached, would, in effect, have at his disposal the entire patronage of the Executive? And having the power without the responsibility of nomination to office, might he not exercise it with less restraint, and under a less solemn sense of obligation to the public, than if he were the ostensible as well as the real dispenser of appointments? In making these suggestions, sir, in relation to this as well as all other questions connected with the nature and proper extent of executive power, I wish it to be distinctly understood that I am considering them in the abstract, as questions of all time, and without reference to any state of things which may be supposed by others to exist now, or to have existed heretofore, in the history of the country. Intending myself no invidious allusions, disclaiming the implication that the present President of the United States would prostitute the power and patronage of his high station to purposes which he deemed unworthy or improper, I hope that none others will impute to me such an intention. I have too great a respect and regard for that eminent citizen, founded as well upon personal grounds as upon the very high estimate which I put upon his character and public services, to entertain such a purpose. I speak, however, in the spirit of a freeman, and of the representative of freemen, to whom the right of thought and of expression is guarantied by the institutions of my country.

It appears, then, sir, that Judge White and his friends have not only heretofore supported all the leading measures of the present administration, but they still adhere to the principles which brought General Jackson into power—which formed the original bond of union of the Jackson party. And yet they are denounced as enemies of the present administration, and ingrates to its head, as recreants to their principles, and apostates from their party! And why are they so denounced? Because they do not respond to the nomination of the Baltimore convention! And by whom are they so denounced? By the leaders and organs of that party which advocated the system of caucus nominations, which was the most virulent in its opposition to Andrew Jackson, and which assailed him in his dearest and most private relations, but which, coming in to his support at the eleventh hour, when the heat and burden of the day were over, when fruition was about to follow on the footsteps of exertion, have, nevertheless, received a more than scriptural reward for their tardy and interested services. The members of this party can oppose the bill for the limitation of executive patronage, can disregard the repeated and earnest recommendations of the President in favor of the proposed amendment to the constitution, deemed by him of such vital importance, in relation to the election of President and Vice President, and pass unquestioned still in point of political orthodoxy. Adhesion to the nominee of a convention is an ample atonement for the widest aberrations from principle!

I have thus attempted to show, and, I think, satisfactorily shown, that the charge preferred against the friends of Judge White, of apostacy from their party, of dereliction from their principles, is utterly unfounded in fact. Sir, if there be division in the ranks of the administration, the line of separation was not drawn by them. In maintaining their present attitude before the nation, no color of pretence is given to the imputation that they have been induced to do so by the allurements of patronage and power. If their banner, like freedom's in many an age and clime, now streams against the breeze that blows from high quarters, its motto is identical with that which, in past times, was blazoned on its folds, when, *Teucro duce*, it led on to contest and victory in the same glorious cause. If a separation have taken place, the circumstances by which it was brought about show that it was not of their seeking, and furnish every evidence of sincerity and devotion to principle. The past history of the country affords other instances of separation from party, and of giving in adhesion to party, which, as far as preferment is concerned, might have been better timed; and the future historian of pending events may, perhaps, find examples of a similar nature, and which, possibly, may lead to similar results.

Sir, in assuming her present position, Tennessee has not proved herself, as has been alleged, ungrateful to Andrew Jackson, or inimical to his administration. Her fame is part and parcel of his; his fame part and parcel of her own. If he evinced all the qualities which constitute the able and gallant captain, the troops whom she confided to his command displayed, on all occasions, however complicated with peril, a valor and alacrity which seconded and accomplished the boldest conceptions of his genius. Together they fought, and together they reaped a rich harvest of glory and renown. His reward, in part, has been the highest office known to the institutions of the country; hers, the proud and gratifying consciousness that her efforts, unrelaxed by obstacles; her confidence, unimpaired by calumny; her devotion, unabated by disaster, essentially contributed to its attainment. Yes, sir, Tennessee has proved herself, at all times, and under all circumstances, ready, and willing, and anxious, to do honor to her favorite soldier and statesman. These dispositions were especially manifested by her at a time when others, who now sit in high places, and look down with affected scorn and contempt upon her present position, were strenuous

in their efforts "to blast his prospects even in the bud, and all the fair effects of future hopes." She will continue to manifest these dispositions on all proper occasions, and in all matters which affect him personally.

Before I sit down, Mr. Chairman, allow me to notice some observations which fell, the other day, from the gentleman from Georgia, [Mr. TOWNS.] That gentleman preferred the charge of inconsistency against the friends of Judge White, in that, notwithstanding their outcry against caucuses, they are supporting the nominee of a caucus which, he alleged, was held last winter twelvemonth, composed of a portion of the Tennessee delegation. That charge has been amply met and refuted by my colleague, [Mr. BELL.] I shall notice it no further than by saying that no caucus was, in fact, held. That public opinion having become directed towards Judge White as a fit successor of General Jackson, the Tennessee delegation were frequently interrogated by visiters here, from different quarters of the Union, as to the probable dispositions of the Judge in that regard. That a meeting of consultation on the subject was held by a portion of the delegation. That, afterwards, an individual member, of his own motion, drew up a letter of inquiry to the Judge, stating the difficulty, and requesting to be informed of his views, which letter was separately presented by him to the other members, his colleagues, who affixed their signatures to it; and that this letter, with Judge White's reply to it, was published, merely as an answer, once for all, and in an authentic shape, to the inquiries which had been made. This proceeding had neither the forms, nor was there claimed for it the arrogant and authoritative sanctions of a nomination. No, sir; Judge White rests his claims upon far other grounds; he stands self-sustained, on the basis of his own merits, leaning for support on no other arm but the great arm of the people.

The gentleman from Georgia [Mr. TOWNS] has likewise brought a charge of inconsistency, with two specifications, against Judge White. In proof of the first specification, which, I must say, was very vaguely set forth, he caused to be read a letter from the Judge to Mr. John Ross, in 1822, on the subject of the relative rights and powers of the Federal Government and of the Cherokee Indians within the territorial limits of the Cherokee nation. The occasion of the letter was this: a tax had been imposed by the Indian authorities upon a merchant licensed, under the laws of the United States, to trade with the Indians. He had resisted the payment of the tax on the ground that he was exempted, by his license, from all impositions of the kind. Judge White was applied to as a lawyer for his professional opinion on the subject. His reply was, in substance, that the Cherokees, as far as the United States was concerned, retained every attribute of sovereignty which she had not expressly surrendered to the United States by treaty; and that the power of internal taxation, not having been thus surrendered, rightfully belonged to the authorities of the Cherokee nation. This opinion is in accordance with the uniform and unbroken series of decisions in the district courts of the United States for the State of Tennessee, made as well since as before the date of the letter in question.

It is to be regretted that the gentleman from Georgia was not more explicit; that he did not point out in what manner Judge White was inconsistent in holding this opinion. We are left to infer, however, that it was irreconcilable with some other opinion expressed by him, in relation to the same or some analogous subject. If this be his object, I defy him to make good the imputation. He certainly could not have intended—I will not impute to him such disingenuousness as the supposition would imply—to produce, for political effect, upon the public mind of Georgia, the impression that Judge White had ever expressed opinions adverse to the right of that State to the sovereignty and jurisdiction of the territory inhabited by the Indians within her limits. I say, sir, that he could not have so intended; because, simultaneously with the letter in question, there appeared a report, made by Judge White to the Senate, as chairman of the Committee on Indian Affairs, in which the arguments in favor of the contrary doctrine are clearly and cogently set forth. After stating the substance of the several treaties between the United States and the Cherokees, the report goes on to say—

"In virtue of these treaties, the Cherokees contend that they have a valid and complete title to the lands of which they are in possession; and that they have a right to establish such a Government as, in their opinion, is best suited to their condition; and that such Government is independent of any of the States within the limits of which any portion of their territory may happen to be, and that the United States stand solemnly pledged to protect them in the peaceable enjoyment of it against all the world.

"On the other side, the States may admit that, if the political condition of the Cherokees was to be considered as it related to the rights and powers of the United States only, then, it is true, they are, and ought to be, a community, sovereign in all respects, those only excepted in which they had, by the treaties, expressly surrendered their independence; and still contend that Georgia was a sovereign and independent State from the 4th of July, 1776, a period anterior to the union of the States, under either the articles of confederation, or of the present constitution. That, as a sovereign State, she had a right to govern every human being within her limits, according to her own will, and to dispose of all the vacant lands, when, to whom, and for what consideration she pleased. That she is still in possession of all those rights and powers, excepting only such as she has expressly surrendered. That she never has surrendered to the United States, either by a treaty or by any other means, the power to dispose of her vacant territory, or to authorize the establishment of a Government within her limits without her consent."

In further support of the same views, this lucid and able document states other and striking arguments, drawn from constitutional injunctions and prohibitions not necessary or important to be here quoted. But if the gentleman from Georgia intended to charge that the doctrines of the report and of the letter are incompatible, the obvious and conclusive answer, founded in the complex nature of our institutions, is contained in the report itself, viz: that the Indians may well, so far as the Federal Government is concerned, retain all such portions of their sovereignty as have not been yielded by treaty, and still be liable to the jurisdiction of Georgia, whenever she thought proper to exercise it. It may be proper to observe, likewise, that, in 1822, when this letter was written, and for several years afterwards, the question of the relative powers of the States, and of the Indians within their limits, had not been even mooted.

Before dismissing this subject, I cannot but express my surprise that an arrow, winged with a charge against the political reputation of Judge White, especially in relation to his opinions on this subject, should have come from the quiver of a Representative from Georgia—a State which, if her internal quiet has been maintained; if her relations, not only towards the Indians, but towards the Federal Government, complicated as they were with such circumstances of delicacy and difficulty, have been either satisfactorily adjusted, or are in the train of satisfactory adjustment, for these auspicious results, present and prospective, her indebtedness to his is greater, perhaps, than to any other human agency. Sir, it is but echoing the voice of history to say that, during the

pendency of this question in the Senate, whether acting in its legislative or executive capacity, he was the Palinurus by whom the vessel of state was directed in safety through all the dangers and difficulties that arose.

The second specification embraced in this charge of inconsistency is alleged by the gentleman from Georgia to be sustained by the fact that Judge White's opinion was adverse to the policy of placing General Jackson in the Senate pending his first canvass for the presidency; and, if it was bad policy for General Jackson to go into the Senate in 1823, why, triumphantly asks the gentleman, did he acquiesce in his own re-election to that body in 1835? The answer is to be found in the different situations of the two men at the different epochs in question. At the times, respectively, in which they were brought forward, General Jackson was a private citizen; Judge White a public servant. General Jackson was selected with reference as well to his unofficial position as to his qualifications and public services, to wage a war of principle against combinations among the high and usurping dignitaries of the land. He could, therefore, have remained in private life, without rendering himself obnoxious to the imputation of shrinking from responsibility. Under these circumstances, Judge White thought the policy doubtful of altering his position, "of changing his front in presence of the enemy." But Judge White's nomination to the presidency, though made to effect similar purposes, found him in a different situation. He was, and had been for years, a member of the Senate; and, if he had declined a re-election, he would have been liable to the double charge of deserting his post to avoid committal on delicate questions of national policy, and of being governed by an apprehension that Tennessee had withdrawn from him her confidence.

I have thus, Mr. Chairman, gone through with the remarks which it was my intention to submit to the committee. I am conscious that they derive no weight from extraneous circumstances, but must of necessity depend, for what currency they may receive, upon their intrinsic qualities. My voice, I am well aware, is only potential, as it may be the echo of truth's. And well it were for the purity and perpetuity of our institutions, if all political propositions, from whatever quarter emanating, rested on the same basis. Oh for the day to come when men shall be held as comparatively nothing, and principles every thing! Oh for the day to come when opinion shall take its hue and receive its impress, not so much from the source from which it comes, as from its naked, abstract beauty, or deformity, separated from every extraneous attribute of party, and divested of the drapery which place and reputation may throw around it! Oh for the day to come when the people of this country shall have attained to such a degree of virtue and enlightenment as to be alike capable and desirous of viewing the measures of their public men in the light alone of reason and of truth! When faction shall attempt in vain to discolor, and envy and malignity to distort and misrepresent; when falsehoods, known to be such, shall cease to be propagated for political effect; when demagogues shall no longer array themselves in the robes of patriotism, nor aristocrats in heart mouth forth the words of equality and popular rule! Oh for such days to come!

When Mr. MAURY had concluded,

Mr. FORESTER took the floor, and moved that the committee rise.

Mr. CAMBRELENG hoped they would not rise so early, since they had but two public days in the present week, and this bill had already been delayed much longer than had been anticipated.

The committee then rose and reported.

Mr. CAMBRELENG said there was no member of the House whom he would sooner accommodate than the gentleman from Tennessee, for whom he had the kindest feelings; but at so late a period of the session, after this bill had already been under consideration for a week, and as several gentlemen had risen for the purpose of addressing the Chair, he felt it his duty to move to go again into Committee of the Whole thereon.

Mr. ADAMS remarked that the gentleman would probably be unable to effect his object, since there was evidently not a quorum in the House, and they would have to adjourn *ex necessitate rei.*

Mr. WILLIAMS, of North Carolina, moved that the House adjourn; and

Mr. GILLET asked for the yeas and nays; whereupon Mr. WILLIAMS withdrew the motion.

On taking the question to go into committee, only 49 rose in the affirmative; and there being evidently no quorum present,

Mr. HIESTER moved a call of the House: lost, 46 to 49.

Mr. ASH then moved an adjournment; and

Mr. CAMBRELENG asked for the yeas and nays; which were ordered, and the House refused to adjourn: Yeas 25, nays 85—no quorum being present.

Mr. MANN, of New York, then moved a call of the House; which was ordered: Yeas 58, nays 47.

After proceeding with the call of a few names,

Mr. WILLIAMS, of North Carolina, said he felt assured the call would be useless at that time of day, between three and four o'clock, and he therefore moved that its further proceedings be dispensed with; which was agreed to: Yeas 53, nays 48.

Mr. WISE then moved that the House adjourn; and

Mr. GILLET asked for the yeas and nays; which were ordered, and were Yeas 59, nays 70. So the House refused to adjourn.

Mr. CAMBRELENG moved that the House again go into Committee of the Whole.

Mr. WHITTLESEY, of Ohio, asked the gentleman from New York to suspend his motion, to permit him to present a resolution that the House will, until otherwise ordered, take a recess, after this day, during the present session, from three to half past four o'clock, P. M.

Mr. CAMBRELENG dissenting, and several voices objecting,

Mr. WHITTLESEY gave notice that he should again ask leave to-morrow morning, and, if objected to, he should then move to suspend the rules to enable him to offer the resolution.

The House then took up the bill for the better protection of the Western frontier; which was read a third time and passed.

Mr. HAWES remarked that, as they did not seem much inclined to enter seriously into any other business, he thought that about as good a time as any to take up the joint resolution from the Senate, fixing the day of adjournment.

Mr. WISE moved that the House adjourn; which was agreed to: Yeas 75, nays 32; and so

The House adjourned.

WEDNESDAY, MAY 18.

REPORT UPON ABOLITION.

Mr. PINCKNEY, on leave, presented a report from the select committee on the subject of the abolition of slavery. Upon making this report, Mr. P. remarked that it had received the unanimous assent of the committee, and he trusted it would meet the unanimous approbation of the House. By their instruction of the committee, he moved that it be read and printed.

Mr. MERCER moved that the report be laid on the table, without reading, and printed.

Mr. CLAIBORNE, of Mississippi, asked for the reading of the report; which was accordingly done.

The reading occupied about an hour and a half. The report concluded with the following resolutions:

Resolved, That Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this confederacy.

Resolved, That Congress ought not to interfere in any way with slavery in the District of Columbia.

And whereas it is extremely important and desirable that the agitation of this subject should be finally arrested, for the purpose of restoring tranquillity to the public mind, your committee respectfully recommend the adoption of the following additional resolution, viz:

Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatsoever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.

Mr. PINCKNEY was instructed to move that 5,000 extra copies of the report be printed.

Mr. HARDIN, believing from the first that he had been placed on the select committee merely to make up the notable number of nine, had therefore declined to attend or take any part in its proceedings. He considered this explanation necessary, inasmuch as the report purported to have been agreed to unanimously.

There was one part of the report from which he entirely dissented. From the reading of the report, he understood it to set forth that the abolitionists were few, and their efforts insignificant. In this he did not concur; and he must enter his protest against it. He believed there were large numbers of abolitionists, and that this report was gotten up for the very purpose of suppressing this fact.

Mr. PINCKNEY said the gentleman from Kentucky was wholly mistaken. There was no such expression in the report as the one alluded to by the gentleman. The expression was, and it was founded on the signatures to the petitions themselves, that the number of the abolitionists had been exaggerated. The whole number of abolition petitioners scarcely exceeded thirty thousand, one half of whom were females, and it was confidently believed that a considerable number of the remainder were children.

Mr. WISE said that this report had at length come; he never expected it would have come; and it was precisely such a document as he anticipated; and his protest, for one, went much further than that of the gentleman from Kentucky, [Mr. HARDIN.] He saw every thing in it to arouse the feelings against it even more than against the abolition memorials themselves. If Southern men adopted this report to sustain their principles, they would be much mistaken. There was not one ground in the whole report, long as it was, for Southern men to rest a foot upon. But he had been most disappointed in this report, because its author had not kept his faith with Mr. W. There had been an express pledge given to him, that the ground would be taken in the report, that Congress had not the power to abolish slavery in the District of Columbia. He repeated that this pledge had been distinctly made to him, that no report should be made, unless that ground should be taken; and he saw no such ground taken in the report. The whole amount of what was contained in the report was, that it was not expedient now to abolish slavery in the District. Mr. W. said there were petitions and resolutions laid before the committee, of which no notice had been taken; and the committee had only announced, in relation to the States, what every one knew, that these States had declared that Congress had no power to abolish slavery in the District of Columbia. He did not consider the report as a defence of Southern interest, nor as an expression of Southern feeling.

Mr. THOMPSON, of South Carolina, would not allow one moment to pass without his unmeasured denunciation of the report just read. He felt called upon to do so, that it should not go to the world with the authority of the name (not of the individual who had presented it, but) of the State from which he came. He had listened in vain for one South Carolina argument, or one honest bursting out of the feelings of a South Carolinian; not of a South Carolinian from geography only, but one who has a head to see the dangers that await us, and a heart that does not shrink from meeting them. Instead of a cool, firm, and fixed purpose to stand upon the rights, the chartered rights, of the South, what have we? An abandonment of those rights; stale homilies about union and fanaticism; puerile rhetoric, and jesuitical sophistry. When the report squints even at the constitutional argument, it shrinks back from declaring it unconstitutional, and mollifies with the phrase "violation of the public faith." Why not speak out? The chairman of that committee assured me and my friend from Virginia, [Mr. WISE,] and others who were known to stand on the third parallel on this question, that he would not report at all unless with the distinct assertion of the principle that Congress had no constitutional power to legislate upon slavery in this District. And how has this pledge been redeemed? Puling declaration of "violation of public faith;" Mr. T. desired to hear less of the public faith from one so regardless of private faith. Mr. T. would not, if he could fairly avoid it, send the report to the printer; he would rather commit it to the flames or to the hangman.

Mr. OWENS said the document must speak for itself. It was the intention of the committee to have the document printed, so that it might be fairly understood, and might be a subject of deliberation hereafter; but no one had anticipated a debate on it at this stage. He had supposed every gentleman would have concurred in a motion to print, so that they would have an opportunity to deliberate upon it, and make up an opinion. It was a document of great length, and it was impossible for gentlemen to make up an opinion upon it unless they were predisposed to oppose it. He had hoped that gentlemen would have permitted it to take the usual course, and then they would have an opportunity to make up an opinion upon it. Mr. O. concluded by moving to print thirty thousand extra copies of the report.

Mr. BOULDIN remarked that he would not have said a word on this motion, but for the fact that he had often expressed his willingness to print the memorials (or some of them) on this subject; that he had yielded his opinion, and openly and expressly, often in this House and elsewhere, expressed it, that it would be better to print the memorials, and even the abolition papers, or let them circulate openly, (seeing that they were circulated covertly,) than to refuse. He had given up his own notion to the better judgment and experience of others from the South, knowing their feelings and interests to be the same with his, and their judgments more matured, and better. He had voted against printing, against his own judgment, in compliance with that of his colleagues from the South, and, as he believed, with that of his constituents. He had thought the people ought to know who they were, many or few, and what they wanted. It could do no harm. Mr. B. said he was asked by a friend, in an under but audible tone of voice, why not print this report? Mr. B. said he had voted against raising the committee; that the report came from that commitee; that it contained matters that he was not willing to pay for or vote for; that the memo-

rials and papers before alluded to were from known and acknowledged enemies (in this particular) to the interests of the South; but their projects he was willing his constituents should understand and know. This report contained arguments and positions that he did not believe would do his constituents and the country any good. He had not heard every word read, but he had heard enough to satisfy him that the general aspect of it would not suit him or his constituents; he did not wish to pay for the printing of it, nor was he willing to have any one in doubt about his objection to the raising of the committee, or the general complexion of the report. He said he had boarded, and still boarded, with the honorable chairman, [Mr. PINCKNEY,] and lived, and had lived, and still should live, he had no doubt, in the utmost friendship and harmony with that gentleman. He could not, therefore, be then influenced by any dislike to the chairman. He simply did not wish to print it; and having expressed his opinion hitherto, that he wished all upon the subject printed, and was only restrained by the general opinion of the South, he wished to make this explanation; the more especially, as he expected, and had little doubt, that many of his political friends, and others from the South, would vote for the printing. He thought the rights of the District and the South were plain, and needed neither report nor argument to sustain them; that they were well understood; and all we wanted to know upon the subject was to know whether any body intended to interfere with those rights.

Mr. HAWES was convinced, from the arguments of gentlemen, that this report ought to be printed. No sooner was this very long report read, in the preparation of which the committee had been engaged weeks upon weeks, than one gentleman from the South rose in his place and said he could not vote for it, because it contained such and such matters. Another from the South rose and said that he would go for printing the document, because he considered it as going to allay the excitement at the South; and this difference of opinion he considered as the strongest reason why the document should be printed. His constituents would not permit him to form an opinion for them in this matter; they would require the report itself to be submitted to them; and he thought the gentleman from Virginia had gone rather far in speaking for his constituents.

Mr. WISE said he could speak for every man in his district, and say that they would not be satisfied with this report; and, with the exception of a few, he could speak for the State. Whilst up, he would say to the gentleman from Georgia, who had said that none would oppose the printing except those predisposed not to agree with it, that in consequence of the pledge given to him, he had kept a strict eye upon the report while reading; and, besides this, he was informed by the gentleman from Georgia himself that there was no express declaration that Congress had not the power to abolish slavery in the District.

Mr. OWENS said that the observations of the gentleman from Virginia showed the necessity of having this document printed, so that every gentleman could be clearly informed on the subject.

Mr. HAWES remarked that the gentleman from Virginia [Mr. WISE] had said that he would answer for every man in his district. He believed the constituents of that gentleman, from what he had heard of them, to be a high-minded and honorable set of men; but he would say, that if they permitted their Representative to form an opinion for them, they were a most servile set of men. Mr. H. said his constituents would demand to have the document laid before them for their own examination; and he felt it to be his duty to vote for the printing of the largest number of copies.

Mr. HOWARD said that he intended to vote, not only for printing the document, but for printing the largest number proposed, and wished to state the reason why he should do so. However deeply the States to the South of Virginia might be interested in the question of abolition of slavery in the District, it must be conceded that the two States which had ceded to the Federal Government a portion of their territory and population were peculiarly bound to watch the exercise of the powers of Congress, and see that the intention of the grant was not frustrated. Of these two States, Maryland, perhaps, might be expected to feel a deeper interest than even Virginia, because of her being the frontier of the slaveholding States, liable to be affected most early and sensibly by any abolition movement. In the siege which the fanatics of the North were carrying on against the District, some of the bombs and shells, which they were aiming to throw into this House, might be expected to burst on the way; and so it had proved. The feelings of a large portion of the people whom he had the honor to represent had been much roused, and they had expressed them in resolutions at public meetings, which were upon the records of this House, and manifested as much sensibility as was shown by any part of the United States. He himself, Mr. H. said, was a slaveholder, and partook largely of the feelings incident to that condition. When he left his home to take his seat in this House, he left his children surrounded by slaves, and therefore could not but be sensitive to any movement which went to corrupt the principles of that species of population. But as far as he had been able to understand the report, from hearing it read, he could not concur with the gentleman from Virginia, [Mr. WISE,] that the entire question of constitutional power was surrendered. On the contrary, he thought that the rights of the people of Maryland, Virginia, and the District, were sufficiently defended in the report, by the denial of any power in Congress to go further on the subject of slavery than the States ceding the territory did, or might do. To ascertain whether the mere abstract power existed in the Federal Government, it would be necessary to enter into a critical examination of the acts of cession and the constitution; but as long as the ground assumed in the report should be adhered to by Congress, viz: that the people in the District were entitled to equal protection at the hands of Congress with the inhabitants of Virginia and Maryland, he thought it unnecessary to inquire into an abstract point, which might or might not ever come up for decision. Although the consequences flowing from an opinion furnished no exclusive guide to the accuracy of that opinion, especially upon a point of law, yet in this case it might be useful to regard the results which would follow from the establishment of the doctrine maintained in the report, and that contended for by the gentleman from Virginia.

Maryland had passed an act appropriating $200,000 to send out of the United States free blacks, or such slaves as might be voluntarily emancipated. The managers of this fund were aided by a society, of which he (Mr. H.) had the honor to be the presiding officer, and they had established a colony in Africa, which was as flourishing as any colony which had ever been planted. As far as their experience had gone, the number of slaves who were voluntarily emancipated by their masters, for the purpose of being sent to Africa, was greater than the means of sending them; and this fact, of itself, might satisfy the non-slaveholding States that humanity as well as policy required the adjustment of every matter relating to the African race to be left to those who best understood their condition. By them alone could any truly wise or humane measure ever be carried into effect. What might be the consequence of this step, taken by Maryland, no one could foresee; but it was evident, that if emancipation continued to be ahead of

funds, an increase of pecuniary means must eventuate in the conversion of that State into a non-slaveholding State. Now, suppose this result to take place in any given number of years, and the same thing to occur in Virginia, it is clear that the construction of those opposed to the report would consign the people of the District to a remediless and hopeless condition, whilst on the other hand the principles of the report would permit, upon the application of the inhabitants, the extension to them by Congress the same laws which had operated upon Maryland and Virginia. That such a construction of the powers of Congress as would enable them to do this would be attended with a desirable result, must, he thought, be admitted upon all hands, provided the phraseology of the constitution and the acts of cession would admit of it; and this was the only case in which he understood the report to assert that Congress possessed any power over slavery in the District.

Mr. OWENS, of Georgia, rose to inquire whether the gentleman from Maryland was not going too far into the merits of the report upon a motion to print.

Mr. HOWARD said that, during the whole session, he had carefully avoided giving any encouragement to general debates on the subject of slavery, and was unwilling now to do any thing more than state the reason why he should vote for printing an extra number of the report. Having expressed this, he would hope, with the gentleman from Georgia, that the debate would not be prolonged.

Mr. PATTON wished to state his reasons for voting to print this document. He should not only vote to print the usual number, but he would vote to print any reasonable extra number. The report was presented to him as the result of the labors of a committee which had been raised to take into consideration a most interesting and exciting subject. He had not concurred with the House in the course it thought proper to pursue on this subject, because he was not of opinion that it was the most prudent and judicious course, and he had not changed in opinion. He was perfectly satisfied that the expectations of gentlemen would be frustrated and disappointed. Notwithstanding this, he would be in favor of having the report take the usual course. No matter whether they agreed with the conclusions to which the committee had come or not, still it should be put in a form in which the House could judge of its acts of omission or of commission. No man could suppose that, by refusing to print it, it would not be a subject of discussion there and elsewhere. The document would be printed; and the agitators and fanatics of the North would seize upon it, and discussion would again be renewed. He did not believe that there was an abolitionist from the Potomac to the northernmost part of Maine, who would not be in favor of printing this document. He begged leave to say that, in voting to print, he must not be understood as concurring with the committee in their report, because he apprehended that it did not go so far as he desired it should go.

Mr. SPEIGHT said, if he understood the question rightly, it was to print the usual number of copies, and he would respectfully suggest to gentlemen whether it ought to be discussed before it was printed. He must confess, although he listened very closely to the reading of the document, that other gentlemen had been more fortunate than himself in hearing it, if they were able to decide that it should not be printed. He asked the gentleman from Virginia, [Mr. WISE,] if he was prepared to act on this report before it was printed; and he would also ask whether voting to print the usual number could be construed into an acquiescence in the report. He was surprised to hear the opposition which had been made to this report, because, so far as he had heard, it asserted every principle which the South contended for, except, perhaps, so far as the District of Columbia was concerned; and when this question came before the House, he was prepared to express his opinion upon it, as his mind was made up, but he did not consider this a proper time to do so.

Mr. WISE rose to state to the House that he did not mean to object to the printing of the usual number; but he objected to the printing of any extra number.

Mr. ROBERTSON objected to the printing of the usual or any other number of this report.

The hour of one having arrived,

The SPEAKER arrested the discussion.

Mr. MERCER moved to suspend the rule until half past one o'clock, for the purpose of disposing of the motion to print; which was agreed to: Ayes 127, noes not counted.

Mr. SUTHERLAND was in favor of printing the report which had been made by the gentleman from South Carolina. That gentleman had been accused by one of his colleagues [Mr. THOMPSON] of misrepresenting the feelings and wishes of his State. This was a high and grave charge, and he wished to give the former a chance of defending himself, by printing his report and sending it to South Carolina, and thus affording an opportunity to the people of that State to judge for themselves. He was not prepared to say that all the reasoning of the report would suit either his constituents or himself, but this would not prevent him from having it printed and sent out for the judgment of the country, and he would always be ready to afford an opportunity to those, against whom serious charges had been made, to be heard.

Mr. THOMPSON, of South Carolina, could not oppose printing the ordinary number of this report, but objected to printing an extra quantity. He repeated, that his colleague [Mr. PINCKNEY] had grossly misrepresented his State. But it seemed that the gentleman from Pennsylvania, last up, had undertaken to vindicate his colleague from a charge upon which that colleague had chosen to remain silent. There was much fitness in the gentleman from Pennsylvania as a champion for the gentleman from South Carolina. The gentleman from Pennsylvania had furnished the world with his canons of political ethics; it was a simple question of the rule of three: how much principal will an ascertained amount of interest give? He should suppose, from zeal of that gentleman in this matter that he had some interest in it.

Mr. ROBERTSON contended that the report yielded to Congress the right to abolish slavery in this District, and yielded every thing which the abolitonists could have expected when they sent their petitions there. He had heard the report read, he would not say with surprise, but with deep mortificationand regret; because it was not calculated to put the South upon the ground which she ought to occupy; and the resolutions did not go to the extent absolutely necessary to the peace and safety of the country. Mr. R. contended that the printing of a document was left to the discretion of the House, and he thoughtin the present instance they should not print. Mr. R. concluded by moving to recommit the report to the select committee, with instructions to report a resolution that Congress does not possess the constitutional power to abolish slavery in the District of Columbia or the Territories.

Mr. THOMSON, of Ohio, did not rise to discuss the question. It had already been too much discussed. He moved the previous question.

Mr. PINCKNEY hoped the gentleman would withdraw the motion for a moment. He desired merely to say that the report did not, as had been stated, yield the constitutional power to Congress of abolishing slavery in the District. All assertions of the kind were grossly incorrect.

In answer to an inquiry, the CHAIR stated that, if the previous question prevailed, the main question would be on the adoption of the resolutions.

Mr. THOMSON supposed the main question would be on the motion to print. He therefore withdrew the motion for the previous question.

Mr. BYNUM obtained the floor, but yielded it for explanation to

Mr. SUTHERLAND, who replied to the remarks of the gentleman from South Carolina, [Mr. Thompson.] Mr. S. said that the gentleman had backed out from the ground which he originally took. At first, he was for burning the report or giving it over to the common hangman; now he was in favor of printing the usual number. But the gentleman had spoken of him as the champion of his colleague, [Mr. Pinckney.] He needed no champion, and the gentleman might want one quite as soon as his colleague. The gentleman had thought proper to allude to an old and long since worn out imputation in relation to himself. This allusion he considered beneath the character of the member from South Carolina, and he would only refer the gentleman to his whole public life, as a sufficient answer to the charge.

The debate was here arrested by the expiration of the time for which the rule had been suspended.

INDIAN HOSTILITIES.

Mr. CAMBRELENG having moved that the House now go into Committee of the Whole on the order of the day,

Mr. LEWIS, of Alabama, asked leave to make a suggestion to the chairman of the Committee of Ways and Means, which was, that the House should take up and act promptly on the bill providing for volunteers for the protection of the frontiers, so that the bill might pass through to-day. Mr. L. stated that he had this morning received intelligence from his district of the most painful nature, respecting the hostile temper of the Creek Indians; and if the House wished to save the people of that part of the country from the horrors of savage warfare, it would pass the bill without a moment's delay.

Mr. CAMBRELENG said the gentleman should have his cordial co-operation in facilitating the bill, as he (Mr. C.) had just received a communication from the Secretary of War of the same tenor as the letters referred to by Mr. Lewis.

FORTIFICATION BILL.

In further execution of the special order of the 26th of January, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. Mann, of New York, in the chair,) and resumed the consideration of the bill making appropriations for certain fortifications of the United States for the year 1836.

The question pending was the amendment of Mr. Cambreleng, to insert an additional item in the bill, appropriating the sum of $700,000 for the armament of the fortifications.

Mr. FORESTER, who was entitled to the floor, addressed the committee at some length. He took a general view of the subject of fortifications, and avowed himself in favor of a plan to protect the more exposed and prominent points, but opposed to a general scheme of fortifying the whole of the seaboard. He was also in favor of such an increase of the navy as would render it efficient to protect our commerce, and to defend ourselves in case of attack. He then entered into an examination of the present and probable future amount of the surplus revenue. By the last returns of the deposite banks, they then hads to the credit of the Treasurer of the United States, $32,000,000, and $3,000,000 besides, deposited by other officers of the Government. The last quarter's revenue, ending on the 31st of March, amounted to $11,000,000 already collected, and should the next three quarters be as much, it would amount to $33,000,000 more by the end of the year. It was not, however, probable that the coming revenue would be so large, and therefore he would knock off $8,000,000, putting it down at $25,000,000, making the whole accumulation in the Treasury no less than $60,000,000; and, including the $7,500,000 to be derived from the Bank of the United States, would in all amount to $67,500,000. He had taken some pains to examine the various public and private bills before the two Houses; and the whole of them, supposing every one to pass, would require an aggregate of appropriations, in round numbers, of about $25,000,000; leaving, in the event of every bill passing, at the lowest estimate of the accruing revenue, upwards of $42,000,000. He then proceeded to discuss the tariff question and its consequences, the subject of internal improvements, &c., and replied to some of the points advanced by one of the gentlemen from New York, [Mr. Moore.] He adverted to the course of Mr. Van Buren on the foregoing subjects, and said he believed that gentleman had voted for every tariff measure that had been brought forward, and also for every measure of internal improvement.

A message arriving from the Senate, Mr. Forester suspended his remarks, the committee rose, and the Speaker resumed the chair.

WESTERN FRONTIER.

The message from the Senate was then received, returning, with amendments, the bill authorizing the President of the United States to accept the services of volunteers, and to raise a regiment of dragoons or mounted riflemen.

On motion of Mr. LEWIS, the bill was taken up and read, as amended.

Mr. WILLIAMS, of North Carolina, objected to the proposition in the bill for raising ten thousand cavalry.

Mr. McKAY remarked that the bill did not propose that number to be absolutely raised, but merely limited the number to ten thousand.

Mr. LEWIS advocated the amendment, which contemplated the raising of ten thousand men at the discretion of the President of the United States. The exigency for doing so had already arrived, and Mr. L. had received letters that morning, stating that there was a general scene of massacre now going on in the Creek nation; that all the troops in command of the Government, not employed in the Florida war, had been sent on to that point, but that they were but a handful; and the Secretary of War now invited the passage of this bill, in order to send an efficient aid and protection to the helpless women and children who were now at the mercy of the savage.

Mr. GLASCOCK followed on the same side, and briefly supported the amendment. The number of men to be raised was left to the discretion of the President, and he would order the particular description of troops, infantry or cavalry, according to the nature of the country where they were to act. He earnestly appealed to the House to pass the bill as speedily as possible.

The question was further debated by Mr. McKAY, Mr. SPEIGHT, and Mr. ASHLEY.

Mr. ADAMS expressed a wish for further information, before he desired to record his vote on this bill; to know whether the exigency was sufficient to justify the raising of so large a force, and whether it was intended to add to the standing army of the United States. Mr. A. then reviewed the subject of the war in Texas, and passed some strictures on the manner in which that subject had been discussed, both in and out of Congress; adverting to the resolutions offered by him yesterday, on the subject of our relations with Mexico. On these topics he

dwelt at some length, and contended that the principle of the bill had been entirely changed by the Senate's amendment, which, he hoped, would be disagreed to by the House.

Mr. LAWLER adverted to the alarming advices that had been received from the Creek country, to urge upon the House the immediate necessity of passing this bill, and made a brief reply to the remarks of the gentleman from Massachusetts.

Mr. GLASCOCK also replied to the same gentleman, and expressed his astonishment, mortification, and regret, at the gentleman's remarks in opposition to this bill. He regretted that any individual on that floor, and more so one who had occupied so distinguished a station in this country as he had, should be found openly to avow his feelings to be in favor of that tyrant and usurper, Santa Anna.

Mr. ADAMS explained that he had been misunderstood.

Mr. GLASCOCK replied that the gentleman had so avowed himself, though indirectly, and his language could bear no other construction. Mr. G. proceeded further to reply to the gentleman from Massachusetts, and stated his own views with regard to Texas; that he went heart and soul with the Texians, and was ready to aid them, when the proper time arrived, in the most efficient manner. He explained the provisions of the bill, and supported it at considerable length, which, in no sense that could be put upon it, provided for an addition to the standing army. The troops were to be raised for a specific time, and to be engaged in a specific service.

Mr. THOMSON, of Ohio, referred to the provisions of a similar bill passed in 1812, which offered a precedent in point; and he compared their details, to show that the present bill was, in construction, unconstitutional. He hoped the amendment would be passed without further objection.

Mr. MANN, of New York, remarked that this bill had been very deliberately considered and discussed at great length when it was last under consideration before the Committee of the Whole; and as they were informed that it was of the utmost importance to those residing in and on the borders of the Indian country that the bill should pass without delay, and as the debate appeared to be taking a very wide, and he must say a very unusual range, he therefore moved the previous question.

The motion was seconded by the House: Ayes 98, noes not counted.

Mr. HARDIN remarked, that as he wanted to see how many would vote to increase the regular army by ten thousand men, he therefore asked for the yeas and nays on the question of ordering the main question to be put.

The yeas and nays being ordered, the question was decided in the affirmative: Yeas 126, nays 66.

So the House determined that the main question, which was on agreeing to the amendments of the Senate, should be now put.

Mr. BELL asked for a division of the question on the respective amendments.

The first amendment being read,

Mr. HOWELL asked for the yeas and nays thereon; which the House refused to order; and the first amendment of the Senate was concurred in: Ayes 107, noes not counted.

The second amendment was then concurred in without a count.

The amendment of the Senate to the third section, giving to the President the power to commission the officers elected by the volunteers, by and with the advice and consent of the Senate, when they are mustered into the service, being read--

Mr. HARDIN asked for the yeas and nays thereon; which were ordered; and the question being taken, was decided as follows: Yeas 101, nays 102.

So the House refused to concur with the Senate in their amendment.

The other amendment of the Senate to the fourth section, regulating the pay for mileage and forage of the officers and privates of the volunteers, was then concurred in: Ayes 109, noes not counted.

The remaining amendment was then concurred in.

Mr. VINTON moved that the House adjourn.

Mr. OWENS asked for the yeas and nays, but they were not ordered; and the motion to adjourn was negatived: Ayes 73, noes 91.

Mr. CAMBRELENG asked leave to report a bill making an appropriation for the suppression of hostilities with the Creeks.

Leave being granted, Mr. C. reported the said bill, under instruction from the Committee of Ways and Means; which was read twice and committed.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. DICKERSON in the chair,) and proceeded to the consideration of the foregoing bill.

The bill was then read. It appropriated $500,000 for the object stated.

Mr. CAMBRELENG then sent to the Clerk's table a letter from the Secretary of War, calling for the appropriation, and enclosing an estimate for the purpose.

Mr. ADAMS said he should vote for this bill both in committee and in the House, and should also vote for its immediate passage this day. Mr. A. then availed himself of that opportunity to make a brief reply to the two gentlemen [Mr. MAURY and Mr. GLASCOCK] who had spoken with reference to him on the other bill.

On motion of Mr. OWENS, the committee then rose and reported the bill to the House.

The SPEAKER having resumed the chair, the bill was taken up.

Mr. McKAY inquired of the chairman of the Committee of Ways and Means if the War Department was in possession of any other information than that which had been read. They had for some time past heard many rumors, and it might turn out that the accounts had been exaggerated.

Mr. CAMBRELENG remarked that the letter of the Secretary of War was very full; and, moreover, a number of letters received by members of Congress from Georgia and Alabama had been read among the members.

Mr. LEWIS then sent to the Clerk's table a letter from a gentleman at Columbus, detailing the most distressing scenes that were passing in the Creek country.

Mr. VINTON said he did not rise to throw any obstacle in the way of the passage of this bill, but he felt himself called upon to protest against the manner in which the bill had been brought before the House. The chairman of the Committee of Ways and Means (said Mr. V.) has exhibited to us a letter, of this morning's date, from the Secretary of War, addressed to himself, stating that certain Indian disturbances had occurred among the Creek nation of Indians, and asking for an appropriation of half a million of dollars to suppress them. It gives us no information as to the causes of those disturbances. Upon this letter, without any previous authority from the House, or action upon it, the chairman of the Ways and Means has assumed to report this bill, and press its instant passage upon the House. I believe this to be the third or fourth time during the present session that similar bills, making appropriations, in all, to perhaps two millions of dollars, or more, have been reported by that committee in the same manner. The Secretary of War writes a letter to the chairman of the Ways and Means, telling him that he wants this, that, or the other sum of money, for some specified

purpose; and, without any reference of the subject to the committee by the House, they take it in hand and report a bill. I deny, Mr. Speaker, that the Committee of Ways and Means have any right to report such a bill in that way; and I further deny, where the military defence of the country is to be provided for, that the Committee of Ways and Means is the appropriate committee to take charge of the subject. The duties of the committees are marked out by the rules of the House, and by those rules they have no right to take subjects in hand without a previous reference of them by the House. Who can undertake to say that, if this subject had been communicated by the Executive to the House, it would have been referred to the Ways and Means? The reference of subjects according to the will of the House is a very important power, and as between different committees is often a matter of great moment. But this mode of originating business takes this power away from the House, and enables the Executive to select its own committee. It is therefore respectful to the House to send communications intended to originate business through the proper channel. There is a further objection to this mode of proceeding. If communications out of which laws are to grow are transmitted to the House, the evidence of the facts on which they were predicated will remain on the files of the House, and there will be a proper executive responsibility for those facts. When money is appropriated to carry on war, the evidence on which it is to be justified ought to be in possession of the House, so that we may know, and that posterity after us may know, the reasons for it. Now, Mr. Speaker, in the present case, the chairman of the Ways and Means has in his own pocket the letter upon which we are called on to vote this half million of dollars, and enter into this war. We have not, and shall not have, on the files of this House a vestige of the evidence on which we have acted, unless the chairman of the Ways and Means shall be gracious enough to put his letter among its archives.

Mr. Speaker, whenever the public exigencies require that provision should be made for drawing the sword of the country, that is at all times a subject of sufficient moment and seriousness to entitle the House to a communication from the President of the United States. It is his duty to watch over the public defence, and make the necessary recommendations to Congress, and it is our duty to see that that responsibility is not evaded. I hope, sir, that in future the business of the House will be done in the usual and regular way.

Since I am up, Mr. Speaker, I will avail myself of this occasion to say something on a subject in which I think the character of this House and of the country is concerned. When on the floor a few days ago, on another bill, I took occasion to advert to the policy pursued in this House in respect to these Indian wars. When the cry is sent up here that the people of the frontier are assailed by Indian hostility, we raise the means of making war upon them without a moment's delay; we crush them by our superior power. But we never inquire, while the war is going on, or after it is ended, into its causes; we make no investigation to learn who were the instigators of the war, or who was to blame. I said, sir, that, from the public documents lying on our table, it was my opinion we had brought the unfortunate Florida war upon us by our own faults. I told the House there were those on the frontier who had an interest in exciting Indian wars; that there were those who disregarded the rights of the Indians, and were disposed to encroach upon them; that if we omitted to investigate the causes of these disturbances, and thus induce those who have an interest in exciting them to think they can involve us without scrutiny and without exposure, we should have other Indian wars, in all probability, before the end of the session. And I now say that, if we suffer ourselves to go on in this way, in three years' time every Indian will be driven by force from every State and Territory of the Union. In the States and Territories, wherever they are, they are regarded as an encumbrance, and there is a strong desire to get them out of the way; and if we will furnish the means without inquiry, they will be disposed of. Sir, our frontier inhabitants know our strength and their weakness; and if we are to stand armed behind them, and let them have their way, we must expect they will overbear and encroach upon them. The Indians with whom we are in contact know full well their weakness and our power; and it is hardly credible that they will open a war upon us except from a strong sense of injury. I know nothing of the causes which have excited the Creeks, and cannot, therefore, say who is to blame. We ought to send the immediate means of defending our frontier inhabitants from massacre and pillage; and it is, in my opinion, our further duty to set on foot immediately an investigation into the cause of these disturbances; and if we are in the wrong, we ought instantly to send commissioners to offer them reparation and do them justice. When we look at the contrast, and see how weak and defenceless they are, and how strong and mighty we are, the character of the House, the honor of the country, and the feelings of the world, call upon us to pursue this course towards them. We cannot but feel that the very disparity of our condition is calculated to excite suspicion against us, as all the motives for peace are on their side. I trust, therefore, that while we pass this bill, and send immediately the means of defence and protection to our frontier, we shall lose no time in taking steps to protect the honor of the nation, and its character for justice, from all suspicion.

Mr. SPEIGHT said this was not the first time the gentleman [Mr. Vinton] had stood up to advocate the cause of the Indians against the whites. Six years ago, when the proposition was made to remove the Indians beyond the Mississippi, the gentleman opposed it, though he was then told that it was the only measure that would secure their existence and their rights. If that measure had been effected, as it would have been but for the opposition of the gentleman and his friends, the bloodshed we now hear of would not have occurred; and till that race of men were removed, peace and safety could never be established in that section of the country.

In relation to the gentleman's objection to the course of the Secretary of War, he had pursued the only practice which had ever obtained. The heads of Departments, when they saw the necessity of appropriations, never communicated to the House, but always sent an estimate to the Committee of Ways and Means. He was surprised, when accounts of such butcheries of women and children were pouring in upon the Government, that any gentleman should raise objections of such a nature, to check the necessary appropriations for defence.

Mr. MANN said: Mr. Speaker, that which an attentive observer of human action might have predicted as a future possible event in the progress of the country, had, it seemed, occurred already.

Who that has witnessed the proceedings of this Congress for the last two months has been able to shut his eyes against the fact, now rendered so apparent, that on every question of appropriation of the public revenues to the purposes of the country, gentlemen have kept continually before their imagination an indefinite prospect, an uncertain hope, that those revenues may, by some possibility, be divided among the States of the Union, under the "false pretence of dividing the nett proceeds of the public domain?" This idea seems to haunt the dreams of gentlemen, "whether sleeping or

waking," insomuch that the cries of innocent women and children, of helpless age and infantile weakness, for protection against the ruthless tomahawk and murderous scalping-knife, are insufficient to awaken them from the fatal revery. And has it come to this, Mr. Speaker, (said Mr. M.,) that an appropriation to repel an invading savage, to protect your citizens from his appalling cruelties, is to be resisted and declaimed against, in an American House of Representatives, through any latent apprehension that these "nett proceeds" may thereby be diminished, and the shares of gentlemen rendered less valuable? Sir, it is humiliating, I will not, for fear of offence, say degrading, to be compelled to believe it—to be obliged to proclaim it to the nation and to the world.

What are the evidences, Mr. Speaker, (said Mr. M.,) on which this belief is founded? Why, sir, the remarks which have just fallen from the honorable gentleman from Ohio [Mr. VINTON] are alone almost sufficient; but who among us has forgotten the lucid speech made by the honorable gentleman from Louisiana [Mr. GARLAND] the other day, on a bill to defend the very borders of his own district from apprehended invasion? Was the effect of the speech in favor of the passage of that bill?

[Mr. GARLAND interrupted Mr. M., and said he had not opposed that bill, but had voted for it.]

Mr. M. continued. So had, he believed, every gentleman in the House, except two or three; and yet many had made speeches the tendency of which, as he (Mr. M.) understood them, was against it. It was not a new discovery that gentlemen sometimes make speeches one way, and vote the other.

[Mr. GARLAND again interrupted Mr. M., and said that if the gentleman (Mr. M.) meant to assert that he had opposed that bill, it was untrue.

The SPEAKER called Mr. GARLAND to order, and Mr. M. proceeded.]

He said he had not intended by any means to make the assertion which the gentleman supposed; he had only stated his own inference as to the effect of the gentleman's remarks. Mr. M. said he regretted extremely that he had disturbed the nervous sensibilities of his honorable friend from Louisiana; he had not intended to do so in the least degree; and it might possibly be that he, Mr. M., had drawn a wrong inference as to the tendency of the remarks of his honorable friend; and he, Mr. M., was willing to believe he was mistaken in those inferences; but if so, Mr. M. said the House would permit him to add, that he believed many gentlemen were laboring under the same unfortunate mistake. He was glad, however, to be set right.

But, Mr. Speaker, (continued Mr. M.,) I ask you to bring to your recollection the course of the whole debate on this floor for the last two months, touching the Indians now overruning Florida, comparatively unresisted either by "the centre," "the right wing," or "the left wing," of our brave army under the direction of several "gallant brevets," who make a general return to us of *non est inventus*, and touching the apprehended invasion from Mexico, by that inhuman monster, Santa Anna, and the consequent rising of all the savages upon our Southwestern frontier, and then tell me whether I am wrong in the belief I have expressed, that honorable members have kept in view an indefinite prospect, and an uncertain hope of carrying home with them to their constituents the golden rewards of the republic—the price of its welfare, and the sheet-anchor of its hope.

Thus, sir, if this be true, we have before our very eyes the first and premature fruits of the plan of distributing the revenues of this Government manifested in the disposition here with our very selves. Yes, sir, ourselves to refuse to appropriate those revenues, derived from the hard toil of the people, to their "common defence," pursuant to the requirements and the authority of the constitution. True, sir, gentlemen have not the moral courage, as yet, quite to come up to the mark, and avow the purpose of "dividing the spoils" of the republic, as the rewards of fealty; and it is not any part of my present purpose to examine or censure their motives. It is sufficient for me to know that we, although occupying for the time being the high places of political power, are yet subject to the infirmities and laws of human nature; and, without meaning disparagement, let me add, are constantly liable to err, under the influence of that morbid selfishness which prefers our own individual sectional and local interests to the "general welfare."

Sir, it is, perhaps, but fulfilling the law of our imperfect nature to do so; and, ungrateful as the truth may be to honorable gentlemen, I tell them that my firm conviction is, that, if they pass that bill, and share the golden prize with the States and their constituents, they never will pass another appropriation bill through this House to carry into effect the purposes of the confederacy and the constitution. No, sir, (said Mr. M.,) if it is in our power to form any opinion respecting future events by the past, or by the incidents of the passing moment, we ought not to hope to preserve the federal relations of the States against such influences and consequences so utterly destructive to the hopes of patriotism and the freedom of mankind. It is, Mr. Speaker, (Mr. M. repeated,) but too apparent already here that, instead of devoting ourselves to the inquiry into the best means of promoting the general welfare, by the application of the national revenues within the objects of the confederacy and the constitution, we find ourselves engaged in a *quasi* general resistance to such application of those revenues, and in a common undistinguished scramble for the public spoils, to be divided among our respective States and our respective constituents. Let it be once done, sir, and you will never make further appropriations of the public revenues without the immediate consent of those States first had and obtained; and I need only remind gentlemen of the condition of things under the old confederacy, to present to their view at once the condition to which they will reduce the country again, if they do not discard the idea of using the revenues of this Government for such purposes.

Whoever (said Mr. M.) has read the history of the rise and fall of human institutions, must have done so to little purpose if he has failed to perceive that such causes as Mr. M. had mentioned had always produced such effects. What reason, sir, then, is there to hope that we may escape similar results? Does it rest in our Pharisaical belief that we are holier than they? Let gentlemen be not deceived by such fatal delusions. Sir, I ask them to refer it to that unerring tribunal of truth in their own bosoms, whether, in their zeal for debating these questions of appropriations to suppress savage hostilities, they have not some latent if not express reference to the possible amount of public revenue which may remain for possible distribution. I know, sir, that my request is not congenial to their feelings, and I make it with deep reluctance, yet I cannot avoid the occasion of it; and I appeal to my friend from Ohio, [Mr. VINTON,] who has rendered it necessary for me to make these remarks. I appeal to his warm and active patriotism in behalf of the defenceless women and children of our Southern brethren, now suffering under the merciless tomahawk of savage war, to permit this bill to pass without delay, and I hope, for the honor of our nature, unanimously. Why does my honorable friend make a fault-finding speech, virtually against it, while he does not deny its necessity, of which he is informed officially by your commanding officer at Fort Mitchell? This

information does not come, sir, like that a few days since which occasioned gentlemen to celebrate on this floor (it is now feared prematurely) the overthrow of that outlaw, Santa Anna. No, sir; we have it from the officer whose duty it is to give it, as well as through private and credible channels. Sir, shall we stop? Shall we hesitate and debate about the causes of these Indian wars? The gentleman from Ohio is anxious to inquire why it is that these depredations are committed, and whether the Indians may not be in the right, while murdering defenceless innocence. Why, sir, (said Mr. M.,) you might as well undertake to inquire into the causes of every Indian war which has occurred since the landing of our Pilgrim fathers, as to inquire into the causes of this Indian war. These causes, sir, generally are ingulfed in that most tremendous of all gulfs, the dark recesses of the human heart, seen only by the eye of Omniscience, and known only to God himself. We might, perhaps, trace out causes enough to satisfy impartial minds in the general wrongs we have inflicted upon the whole race of the red man. But while my friend from Ohio (said Mr. M.) would be inquiring into the causes of these Indian hostilities, they will have satiated their thirst in the undistinguished destruction of your citizens upon your Southern borders. Sir, (said Mr. M.,) suppress their appalling outrages, and then inquire to the full satisfaction of the gentleman from Ohio.

But the gentleman objects to the manner in which this bill comes before us. The Committee of Ways and Means, on receiving from the Secretary at War a communication stating the necessity, and asking the appropriation, brought in the bill without delay. This the gentleman thinks irregular, improper, and manifesting a want of respect on the part of executive officers to this House; and he would subject every thing to the strict and tedious course of parliamentary form, requiring a message on the subject from the President, without which our dignities are supposed to be questioned, and perhaps infringed. Why, sir, (said Mr. M.,) if the practice, now for the first time, he believed, complained of, be irregular or improper, then (said Mr. M.) he believed such irregularities had existed coeval with the constitution, because such practice had prevailed on all occasions of emergency since the formation of the confederacy. The official communications of the executive officers to the chairmen of committees, even to individual members of this House, had, Mr. M. believed, often been made the basis of its action, and that, too, without detriment or injury, unless it should be to our dignities! For his part, Mr. M. said, he entertained no morbid jealousies in that respect, as he usually acted with those who regarded the substances rather than the shadows of things. Moreover, sir, the course prescribed by the gentleman from Ohio would be likely, in all cases of Indian wars, to permit the enemy to sound his thrilling war-whoop in the doors of your Capitol, before you could prepare to resist, if such preparation depended upon the passage of an appropriation bill here in the usual progress of such things.

Mr. BRIGGS denied that those gentlemen who were in favor of a distribution of the surplus revenue, beyond what was required for the wants of the Government, were influenced by sordid or mercenary motives, or that, if such a law were passed, there would be an end of appropriations.

Mr. HOLSEY replied to the gentleman from Ohio, and entered into a brief statement of the causes leading to the hostilities of the Indians.

Mr. LEWIS said he should not inflict on the House a speech, but he must take occasion to say that he regretted, deeply regretted, that a subject of such pressing moment should be made the topic of such enlarged discussions, and particularly of party discussion. Mr. L. said he was a party man, and, in a partisan war, he generally fought as honest a fight as any other gentleman on this floor; but there were times when party should be lost in country, and he thought this was such a time. Sir, I consider the life of one of my constituents, even the humblest, as of more importance than every speech which has been, or can be, made on this subject. If gentlemen are friendly to this measure, if they wish to help me, or to help my bleeding constituents, let them give me their votes, and not their speeches. I trust this bill will pass instanter, and be sent to the Senate before that body adjourns. The condition of things, which I have before detailed to the House, requires the promptest action to stop the effusion of innocent blood. I will not, and I hope the House will not, stop to inquire into the causes of this war. What, sir, shall we institute an inquiry into the causes of a war, and that an Indian war, when the war is already raging with all its horrors? Sir, would the gentleman from Ohio, if the Indian tomahawk was levelled at his life, calmly inquire of the savage for what cause he was assailed, or would he not instantly defend himself? Which would be the dictate of prudence? Believing that every member of the House was agreed as to the passage of this bill, I will, to avoid all delay, move the previous question.

The previous question was seconded *nem. con.*, and the main question being ordered to be put, the bill was then ordered to be engrossed for a third reading now.

Mr. HARDIN made a few remarks in reply to the remark of the gentleman from North Carolina, [Mr. Speight,] that the troubles with the Indians grew out of the opposition to the removal of the Indians. He repelled that idea, for he was perfectly satisfied that, let the Indians be removed as far west as possible, still they would be encroached upon by the whites. He saw but one remedy, and that was to civilize them, and make them part of our own family, or else to exterminate them.

Mr. WISE detailed some circumstances connected with the operations under the Seminole treaty, which were probably the cause of the war, which had been furnished to him from a source upon which he could rely.

Mr. MILLER moved the previous question; which was seconded without a count; and the main question, being on the passage of the bill, was ordered to be put; and, being put, was agreed to *nem. con.*

So the bill was passed; and

The House adjourned.

Thursday, May 19.

ABOLITION REPORT.

The House resumed, as the unfinished business of yesterday, the consideration of the report and resolutions from the select committee on the subject of the abolition of slavery in the District of Columbia.

The question being on the motion of Mr. Robertson to recommit the report, with instructions to report a resolution declaring that Congress has no constitutional power to interfere with the subject of slavery in the District of Columbia—

Mr. BYNUM, who was entitled to the floor, spoke at considerable length. He observed that it had been said by certain gentlemen that they were disappointed in the report; that it was just such a report as had been anticipated by them. In reply to that, Mr. B. said that the opposition to this report was just such identical opposition as he had anticipated. He was prepared to expect that the report would not meet the approbation of certain gentlemen in that House, and he was not at all surprised at this opposition. It was surprising that gen-

tlemen were prepared, as by intuition, to condemn a report of immense length; and that these gentlemen perfectly understood the report without having it printed for examination. If, however, the statements of gentlemen who had opposed the printing of the report were to be taken as good for any thing, it was the strongest evidence that the report should be printed for the consideration of that body and of the nation. It was due to the honorable chairman of the committee who had made that report, that it should be printed, because his motives and his reasons had been denounced on that floor, and this document should be printed as his defence. He ought to have it laid before the people, who were to judge him. It would be an act of injustice of the most crying kind to refuse to print this document; that gentleman had a right to be heard before that House and before the country.

Mr. B. was not prepared to say that he would sanction every sentiment and every principle laid down in this report; but he was prepared to say that he would look into it, and give it his impartial consideration, and he felt himself free to act after reading it. But the gentleman from Virginia [Mr. ROBERTSON] had stated that the report surrendered every thing to the abolitionists. It was a mistake. Neither the House nor the report, so far as met his observation, surrendered any thing to the abolitionists. The very object which the abolitionists contended for had been met by the House, and refused them; yet the gentleman from Virginia said that they had surrendered every thing to the abolitionists.

[Mr. ROBERTSON explained. He had said that they had surrendered every thing which the abolitionists expected.]

Mr. BYNUM was glad he had misunderstood the gentleman. He did not, however, know what the abolitionists expected, because he was not in their secrets, and held no conversation with that description of men. They were at war with the best interests of the North as well as the South; and he did not know what they expected, except so far as their petitions went for the abolition of slavery in this District; and that question had been met by the House, and he thanked God that it had. Gentlemen had said that they had heard this report read with deep surprise, because it did not contain all that the South contended for; that it was not calculated to allay the excited feelings of the South. Mr. B. was perfectly aware that this report would not give peace to the excited feelings of some gentlemen in the South; and nothing but a place in a certain house, not far distant from this Capitol, would give peace to certain gentlemen of the South.

It was thought by some gentlemen that there was nothing Southern and nothing patriotic except that which came from South Carolina. Mr. B. had not been desirous of entering into a discussion of this question, because it was of an extremely delicate and sensitive character to the South. He believed it could not be beneficial to the South; and, as a slaveholder, the half of whose property consisted in slaves, he entered his protest against it, because, in his humble opinion, he considered it as calculated to injure and prostrate the South. Gentlemen from the South assumed positions from which they were driven, and by this means imputations were cast upon the South. With respect to the amendment of the gentleman from Virginia, he would have no objection to voting for it, when it should be brought up as a national measure, and brought up in its proper place, and in a situation in which he would be compelled to vote on it; but he did not consider this a fit place to bring in this proposition. The gentleman must have seen, by what took place in another body in relation to this subject, that the South were divided. The Senators from Kentucky, as well as from Maryland, had dissented from the course which some other Southern gentlemen wished to pursue. Mr. B. considered it highly impolitic to call upon the House to decide a question like this, when the South was divided against itself, and when they could not expect to meet with any thing but defeat. He could not see how the gentleman could press this proposition, unless it was because that the party with which he acted were more accustomed to defeats than Mr. B. was. Mr. B. said a large majority of the people of the North had met the South in the spirit of compromise on this question, and had said, although there might be some doubt in relation to the constitutional question in the District, still they would not touch even slavery in the District. He was aware that, in consequence of the course he had taken on this occasion, he was to be attacked and denounced, both in the House and out of it, as he had lately been denounced by the contemptible lick-spittle editor of the Baltimore Chronicle, as being a traitor to the interests of the South. Besides this, communications were sent from this hall, denouncing Mr. B. and every man who acted with him, and pronouncing high eulogies on those other gentlemen who were now so ready to press this question; and who was it to be supposed prepared these communications? Fortunately, he had a pamphlet put in his hands which would mark the individual who had been propagating these slanders. He wished the House to hear what this individual, who wished to be the now guardian of the interests of the South, through the medium of the press, had heretofore said. Mr. B. then read the following extracts from the pamphlet:

"I am here, then, to tell what I know to be true of a much-injured and deeply-calumniated man; and I know as well as any, that, of all men, he need not fear that the truth should be told." * * * * *

"From his prison in Baltimore he was relieved by the noble benevolence of Arthur Tappan, who paid the fine in default of which he had been confined, and sent him once more to prosecute the self-denying errand upon which, with a full view of all the cost, he had voluntarily embarked." * * * * * * *

"With a soul that, like the flower that emits fragrance from its wounds, only rose higher the more it was trampled upon, he came back to New England. He had felt, by experience, what before he had only imagined; and, imagining, had lifted up his voice against—the degrading pressure of bodily confinement; and now that voice was to be still more eloquently raised to crush a monster so cruel and yet so powerful. He established the 'Liberator' press in Boston, and has since been statedly and unweariedly engaged in its editorship. This paper and its editor are now identified throughout our land with the subject of emancipation. Their names ring from Northern Maine to Southern Georgia; the universal heart of the colored population of the republic throbs with joy at the mention of them; the wary, calculating, selfish supporters of the colonization plot, (strengthened by an array of the names of some influential men who have been cheated into its support by the delusive promise of advantages that can never accrue,) are traversing the land from North to South, from East to West, to counteract the influence they are calculated to obtain—while, at the mere articulation of these words, ('Liberator'—'Garrison,') the guilty, conscience-stricken slaveholder howls forth maledictions upon both, and offers his blood-stained gold as a price for the Liberator's head." * * * * * *

"Never, in the whole of my experience in human nature, had I met with a man more purely conscientious than William Lloyd Garrison. Scrupulously regardful of the right, I may truly say that I never knew him to do wrong. His intercourse with his fellow-men was always marked by a nice respect to the laws of courtesy,

as far as these did not conflict with that more than paramount duty, moral obligation. He was a devout worshipper of truth, as a principle, and he never compromised it from fear or favor. His intercommunication with his fellow-citizens was thus constantly characterized by a lofty independence, which seemed rather that of the intellectual than of the physical man. His religion, to whose requisitions he was always cheerfully obedient, taught him humility; and he was humble when contemplating his relation to his Maker and his fellow-men. But when he felt himself called upon to vindicate suffering truth—to throw himself into the arena of strife for the support of principle, to become the champion of moral and religious obligation—he was not, for then it would have been criminal to be, humble or submissive. Having, by a careful and strict investigation of his positive and relative duties, arrived at a conscientious conviction of the rectitude of any particular path to be pursued, he fixed his eye resolutely on the high motive which urged him onward, as his polar star, and fearlessly trod therein, although his course might be solitary."

Now, said Mr. B., who do you suppose this was that spoke in this kind of style of Mr. Lloyd Garrison? This was the very man who had arraigned him for being wanting in friendship to Southern men and Southern rights; as would be seen by the following extract:

"At a meeting of the board of managers of the Maine Anti-slavery Society, holden at Portland, at the Christian Chapel, on Friday, November 1, 1833, ("General Fessenden in the chair,)

"*Voted*, That James F. Otis, Esquire, be requested to furnish a copy of the address, just delivered before this board, for publication.

Attest: DANIEL C. COLLESWORTHY,
Recording Secretary."

Mr. B. had been informed that this individual acted in concert here with a certain party from the South, to make the Southern people believe that Mr. B., and those who acted with them, had deserted the interests of the people of the South; that this man was the eulogist of every member that belonged to a certain party, and the denouncer of Mr. B., and every one who acted with him, in taking a stand for the people of the South. Mr. B. did not know whether these circumstances were true, as he held no communication with this person, and he would warn other Southern gentlemen to beware of such men.

There was another paper, printed in this city, which propagated these slanders, the editor of which had been striving for four long years—had been striving to get up a difficulty between the North and the South. Mr. B. said there were many other passages in the pamphlet he had read, which were more calculated to excite the feeling of Southern men than the ones alluded to. He had read enough, however, to mark the individual, if he be the man; and common report said he was the one who had been endeavoring to set Southern gentlemen by the ears: Attempts had been made to cast imputations on the party with whom he acted in relation to this subject; and, if it was not out of order, he would call upon the chairman of the committee who had made this report, to say what party had generally introduced these abolition memorials, and what number of those that belonged to the party with which he acted had signed them.

Mr. PINCKNEY, in reply to this call upon him, declined giving any explanation. He could not do so, consistently with a sense of propriety, upon the call of an individual member. If the House required it, he would state all that he knew respecting the memorials, but not otherwise. He had examined them very carefully, and had made a schedule of the places and States they came from, and of the aggregate number of memorials and signatures. He had nothing to do with party, in reference to slavery, and therefore would not say any thing that might have the remotest tendency to excite any party feeling on the subject. It was not amiss, however, he thought, to state that the whole number of memorials presented to Congress this session amounted to one hundred and seventy-six; that they came from ten States, embracing an aggregate population of nearly eight millions; that the whole number of signatures was about thirty-four thousand; and that, of those, more than two fifths were females. He thought these facts ought to be known. The people of the South ought to know every thing respecting these memorials. They could see the immense disproportion between the millions of freemen who are determined to maintain their constitutional obligations to their Southern brethren, and the band of incendiary agitators who would trample on all laws, human and divine, in the relentless prosecution of their diabolical designs. He believed that there never was a healthier tone of sentiment in the non-slaveholding States, in reference to the domestic institutions of the South, than at this moment. There was, unquestionably, abundant reason for vigilance and caution in relation to the fanatics; but there was also abundant reason to rely on the enlightened patriotism of the non-slaveholding States. There are great moral causes at work in favor of the South. We should trust their efficacy, and watch their progress. The people of the non-slaveholding States are alive to the dangers connected with this question, and they are generously fighting the battle of the South. They should be encouraged by confidence and gratitude; not repelled by vituperation and suspicion. Mr. P. said he deeply regretted that inflammatory discussion had again arisen upon this matter. He should do nothing to continue it. He had always deprecated the agitation of slavery in the halls of Congress. He hoped the subject would soon be disposed of, and that peace might be restored to the South and to the country. While he was up, however, with the permission of the House, he would inquire of the honorable member from Virginia whether it was his desire to press his amendment to a vote.

[Mr. ROBERTSON replied, unquestionably it was.]

Mr. PINCKNEY then said, if that was his object, and a vote should be taken, he should certainly vote for the amendment. Mr. P. held, and always had held, that Congress possesses no constitutional authority to abolish slavery in the District of Columbia. He thought it susceptible of demonstration. It had been his opinion, long before it was ever talked of by many who now ride upon it as a hobby. The gentleman had said that the report gave up the constitutional question. It does no such thing. It asserts distinctly the contrary, considering Congress as the National Legislature of the Union. As regards its power as a local Legislature, no opinion is expressed. Congress remains uncommitted upon that point. No decision has ever been made upon it by either House; and why should a decision be called for now? What would be thought of any Southern man who should move the resolution declaring that Congress does not possess power to abolish slavery in the District of Columbia. Now, he had no doubt, that if the House were pressed to vote upon a resolution denying such power, it would be rejected, and most probably by a large majority. He did not know the fact, of course, as no man can know any thing that has not actually taken place. But it was his decided conviction that such would be the result. The South would be beaten, as it had been in the Senate on the question of reception. One defeat was enough. He did not desire another. That was the reason he had avoided pressing the House upon the abstract questions of the right of petition, and the actual authority of Congress over slavery in the District.

He had no doubt that the South would have been beaten upon both grounds, because he knew that the South itself was divided on those questions. The vote in the Senate proved that distinctly. But, in this case, the result, if given against the South, would be far more fatal than ever on the question of reception. It was an established parliamentary principle, that where a motion is made to disagree to a proposition, and that is rejected, it is in effect a vote to agree to it; and, upon the same principle, a refusal to reject is a vote to adopt, and a refusal to deny is a vote to affirm. It follows clearly, therefore, that to offer a disclaimer of authority, not only with the moral but almost with the absolute certainty that it will be rejected, is literally tantamount to calling upon Congress to affirm that it does possess this dangerous authority. And why should any Southern man do that? Why force the House to assert a power it is unwilling to assert? Why compel it to take ground against the South, and in favor of the fanatics; when, if left to itself, and its mode of operation, it would take very strong and decided ground in favor of the South, and against the views and objects of the fanatics? What good would this do to the citizens of this District, or to the slaveholding interest throughout the Union? On the contrary, every man must see that it would give a most animating impetus to abolition, and place the peace and property of the citizens of this District in imminent jeopardy; and not only that, but that the people of the South, considering an open assumption of authority over slavery in the District as almost identical with a declaration of hostility against the institution of slavery in every other portion of the Union, might be inflamed to measures of violence, in vindication of their rights, for which there neither is nor will be the slightest shadow of necessity. Mr. P. said he did not impute any such objects to the honorable member from Virginia; certainly not; but he looked to the tendency of his movement, which he could not but consider as most disastrous to the South. As matters now stand, every thing is operating favorably to the South. The Senate, by a large majority, has rejected the prayer of the abolition memorials. This House has adopted resolutions pledging the national faith not to interfere with slavery in the District of Columbia. The tone of public sentiment is sound and patriotic in all the non-slaveholding States. The South, so far, is victorious, and every thing goes well for her advantage and security! Why, then, press this abstract question now? Why force a battle upon a ground no way necessary to the safety of the South, and with a moral certainty of being driven from it? Is it for the purpose of party agitation? Is it for the purpose of exciting the South, with no shadow of necessity for such excitement? He could not believe it. What then? The gentleman says a pledge of the public faith signifies nothing. Indeed! What, then, would a resolution of disclaimer signify? If the House can rescind the one, so it can rescind the other. But the House would be much more likely to rescind a mere disclaimer of authority, which is nothing more than an expression of opinion upon an abstract point, than it would be to violate a solemn pledge of the national faith, which it could not do without shocking the moral sense of every well-regulated mind, and degrading itself in the estimation of the whole civilized world by the palpable commission of an act of perfidy. Mr. P. said he had no fear of any such atrocity. He considered the question settled. The Government had made a solemn covenant upon this subject with the slaveholding States; Congress might violate the constitution; it could not, would not, violate the public faith. It was bound hand and foot. The South had nothing now to fear, except from those who are determined to continue the agitation of slavery for the purpose of excitement. Abolitionism has attained its height. It has begun to go down, and will soon disappear entirely, if we do not fan the flame ourselves, and will only allow our friends in the non-slaveholding States to fight the fanatics in their own way, and not trammel them in their operations by mixing up extraneous and unnecessary questions with the subject of abolition. One word more, said Mr. P., and I have done. I have been charged with misrepresenting the South. All that I ask is that those who make the charge will allow the report to be printed, that the people of the South may read it and judge for themselves. I do not pretend to be the South, nor will I admit that any five or six men here constitute the South either, however they may be styled by certain papers, the South—the exclusive champions and the immediate representatives of the South. Let the people read the document. That is all I ask; and then we shall see who is most faithful to the slaveholding interest; the humble individual who presented the report, or those who opposed its printing, and would rather have burnt it than allowed the people of the South to read it.

Mr. BYNUM said he had asked the gentleman from South Carolina for the facts, but as he did not choose to give them to him, he was satisfied. His object was to have these facts laid before the people for their decision, instead of the bold assertions which were made in that House and elsewhere, without a single shadow of proof to support them. He wished to know the facts, in justification of the party with which he acted, and to have it demonstrated whether the abolition petitioners belonged to the democratic party, or to the other parties which acted in opposition to it. Mr. B. believed that four fifths or five sixths of the abolition petitions had come from individuals opposed to the democratic party; yet they were charged, day after day, by such men as the eulogist of Arthur Tappan, with aiding in keeping up the excitement, and with deserting the interests of the South. He asked the gentleman from Virginia, [Mr. ROBERTSON,] what object he had in view in pressing his resolution? He believed that gentleman had stated that the report did not go far enough, and would not give peace to the South. Now, he asked the honorable gentleman if his resolution would give peace to the South? He feared not. The gentleman could not suppose that it would pass; he had too much intelligence to think so.

Mr. B. said, as a Southern man, he would go as far as him who went farthest in defence of Southern rights; but he protested, on behalf of that party with whom he acted, and, thank God, he acted with the majority on that floor, against the policy adopted by those persons who had taken upon themselves to be the peculiar guardians of the South. He had not listened to all the details of the report, as he had thought that it was to take the usual course, and be printed, so that he would have an opportunity to read and deliberate upon it; and he expected, after this deliberation, that he should have been prepared to vote understandingly on the subject; and the contrariety of opinions with respect to this report was sufficient evidence that it should be printed in some shape or other, so that gentlemen could have an opportunity of examining it. He did not care whether they had printed five thousand, ten thousand, or twenty thousand copies; but he wanted it printed for his own benefit, and for the benefit of the people of the country.

Mr. ROBERTSON rose in reply to the gentlemen from North Carolina and South Carolina, and in support of his motion.

The morning hour having expired, the House proceeded to the orders of the day.

On motion of Mr. MILLER, and by general consent, the usual number of the report made by Mr. PINCKNEY, on the subject of abolition, was ordered to be printed.

POST OFFICE DEPARTMENT.

The House then, in execution of the special order adopted some days since, on motion of

Mr. CONNOR, resolved itself into a Committee of the Whole on the state of the Union, (Mr. SUTHERLAND in the chair,) and took up the bill to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof.

Mr. CONNOR remarked that he should not then take up any time in detailing the provisions of the bill, but would merely state that the bill had been drawn up with great care, and had been unanimously reported by the Committee on the Post Office and Post Roads. He moved that the bill be taken up by sections, adding that he was instructed by that committee to move a variety of amendments, which he should do as the sections were reached.

The bill was accordingly taken up by sections, and various amendments, moved by Mr. CONNOR, were agreed to without a division.

Mr. EVERETT moved to amend the 8th section, which provided for the appointment of "an Auditor of the Post Office Department," by striking out those words and inserting "a Sixth Auditor of the Treasury;" and to further amend the clause by making the said officer perform his duties at the requirement of the "Secretary of the Treasury," instead of the "Postmaster General," as in the bill. Mr. E. briefly explained the object of his amendment to be to disconnect the Post Office Department from the Treasury.

Mr. CONNOR remarked, that though there was no particular objection to the plan proposed, yet he did not think it would work as well as the proposition of the committee. It seemed to him that the connexion between the Post Office Department and the Auditor was necessarily closer than between the Treasury and the Auditor.

Mr. WILLIAMS, of North Carolina, was in favor of the amendment, on the principle that the duties of the Auditor peculiarly belonged to the Treasury Department, and to the Secretary of the Treasury he should be responsible.

Mr. BRIGGS briefly opposed the amendment.

Mr. MANN, of New York, thought the amendment unnecessary, even to effect the object the gentleman from Vermont had in view. He said the object of the committee had been to render the Post Office Department independent of the other Departments, and this had been carried out where practicable. In the case of the Auditior, he had been placed as independently as possible from responsibility to the Postmaster General, except in one instance. The object was to keep the funds of the Post Office Department distinct, so that they should not be mixed up with the general funds of the country, and thereby provide an effectual check for the dirbursements.

Mr. PARKER was in favor of the amendment, because a more effectual check would be provided upon the Postmaster General, by making the Auditor responsible to the Secretary of the Treasury, than by keeping him subordinate to the former, which would be no check at all.

Mr. CAVE JOHNSON was compelled reluctantly to admit that neither the original section nor the amendment met his approbation. He saw no necessity for having an additional Auditor at all, for he was convinced the duties could and would be performed, if the House ordered it, by the Fifth Auditor, assisted by the officers of the Post Office Department; and let that officer be called the Auditor of the Post Office Department.

Mr. PEARCE, of Rhode Island, said that if they reorganized this Department, they ought to take care to provide the most effectual checks. He was, however, prepared to say that what was contemplated by this bill would in effect be no check at all; inasmuch as all the officers, the Auditor included, were to be nominated in the first instance by the Postmaster General, to whom they were all responsible, and it would be absurd to suppose that any check could be secured under such a system.

A message here arriving from the Senate, the Speaker resumed the chair, and the message was announced, informing the House that the Senate insisted on their amendment to the bill to authorize the President of the United States to accept the services of volunteers, and had appointed a committee of conference on their part.

Mr. SPEIGHT hoped the House would by general consent take up and consider the amendment.

Mr. LEWIS moved that the House agree to the appointment of a committee of conference, which was agreed to unanimously, and the committee on the part of the House ordered to consist of five members.

Mr. SMITH said he had found it oftentimes very difficult, in the short experience he had had, to rightly comprehend the provisions of any bill that might be under consideration; and still oftener most difficult to comprehend the arguments of gentlemen upon this floor. If he rightly understood the provisions of the bill now before the committee on the one hand, and rightly understood the arguments of the gentleman from Rhode Island [Mr. PEARCE] on the other hand, he could not possibly conceive of the applicability of the one to the other. The gentleman from Rhode Island objects to the provision of the bill, on the ground that it makes the proposed new officer, the Auditor, the creature and dependent of the Postmaster General. And how will he be the creature of the Postmaster General? Why, says the gentleman, he will be designated by the Postmaster General to the President, and upon such designation he will be appointed by the President. This, it is said, will defeat the object desired in the creation of an Auditor, as it will destroy the check desired to be secured upon the revenue accounts of the Department. Now, to me it appears, from the little examination I have been able to give the provisions of the 8th section of this bill, that the most independent and effectual check will be secured, and of the very character which the gentleman from Rhode Island seeks. He must have overlooked one of the most important features of the bill, relating to the selection and appointment of the officer proposed.

The bill nowhere provides that the Auditor shall be designated to the President by the Postmaster General. But even if the Postmaster General should be consulted by the President in the selection of the officer, as it may be usual to consult other heads of Departments in the selection of subordinate officers in those other Departments, still the bill provides that the appointment shall be made by the concurrence of the Senate, another coordinate yet independent branch of the Government. The language of the 8th section of the bill is, "that there shall be appointed by the President, with the consent of the Senate, an Auditor of the Post Office Department, whose duty it shall be," &c. This, sir, is the most efficient check upon the selection of this officer, which has been adopted in relation to the appointment of Comptrollers and Auditors of the other Departments of the Government; and to me it appears the most efficient that can be conceived under the constitution. It renders the Auditor entirely independent of the Postmaster General for his appointment and place, and I think the whole arrangement of his duties most judiciously and happily conceived and provided in this bill. He said, from the examination he had given to the bill, he was unable to discover that the Auditor would be in any one important particular subject to the dictation or control, in any way,

of the Postmaster General. It is true that, by the 8th section, he is to submit certain forms for doing business, relating to the revenue of the Department, to the Postmaster General, and the latter has a negative upon their adoption. But in the selection of the Auditor, and in the execution of his duties, he is made above the dictat on and control of the head of the Department in all respects. I know not how such an office could be built up, attached to the Department, in a state of greater independence. If, then, the point be established, that such an officer is essential to the Department, all the checks which are desirable to be centered in him upon the Department are secured by the bill.

Upon the other point, sir, which has been suggested, that an Auditor already provided by law can perform all the duties of the proposed officer, not now having his appropriate quantum of duties to perform, I am uninformed, and have no opinion. But if there are gentlemen upon this floor who are informed upon this point, they can readily offer their amendment, to conform the provisions of this bill to such a state of things, and assign the proposed duties over to the existing Auditor, without throwing any impediment in the way of passing this bill.

Mr. HARPER, of Pennsylvania, said he would, when in order, move a further amendment, to strike out "Postmaster General," in the 24th line, and insert "Secretary of the Treasury," and to add the latter words in the 19th line. The effect of this amendment was to make the Auditor accountable to both these heads of the two Departments. With regard to the appointment of clerks, he held that the head of every Department should have the appointment of all the clerks and subordinate officers employed therein.

Mr. EVERETT then modified his amendment, so as to make it read, "a Sixth Auditor of the Treasury for the Post Office Department."

Mr. MANN, of New York, believed there would be no objection to the amendment so modified.

Mr. CAVE JOHNSON again opposed the amendment. He wished the Department to have an Auditor, but there was no occasion for creating a new office for the purpose. He was convinced that the duties of the Fifth Auditor might be doubled, and the work could and would be easily done.

Mr. BRIGGS moved to amend the amendment by striking out the word "Sixth." Lost.

The first part of the amendment of Mr. EVERETT was then agreed to, and Mr. E. withdrew the other for the present.

Mr. CAVE JOHNSON moved that hereafter the Fifth Auditor of the Treasury should be called the Auditor of the Post Office Department; that he should perform the duties thereof, and that the duties now performed by him should be transferred to the offices of the First and Second Auditors.

The CHAIR decided this amendment to be out of order, as the one of the gentleman from Vermont had been agreed to.

Mr. McKENNAN then moved a reconsideration of the vote by which the former had been adopted, which was agreed to, and Mr. JOHNSON then made his motion.

The amendment was advocated by Messrs. CAVE JOHNSON, MERCER, HARPER, and McKENNAN; and opposed by Messrs. MERCER, ADAMS, MANN of New York, and CONNOR.

Mr. CAVE JOHNSON inquired of the chairman of the Committee on the Post Office, what increase of expenditure was involved in the provisions of this bill?

Mr. CONNOR replied, a very trifling one. The only additional officers proposed were a third Assistant Postmaster General and an Auditor, whose salaries would be whatever Congress might think fit to appropriate therefor.

Mr. CAVE JOHNSON had gone through the bill, and, unless he was mistaken, it involved an annual augmentation of expenditure to the amount of about $70,000.

Mr. CONNOR replied, that the whole amount would be probably $6,000 a year, viz: $3,000 each to the Assistant Postmaster General and the Auditor.

Mr. MANN, of New York, could assure the gentleman that the only additions made to the bill were those indicated by the honorable chairman, [Mr. CONNOR.]

After a few further remarks from Messrs. CAVE JOHNSON, MANN of New York, and CONNOR, the amendments were rejected, and the amendment of Mr. EVERETT was, as before, agreed to.

Mr. GILLET moved to strike out that part of the proviso of the 8th section giving the Postmaster General, or any person whose account shall be settled, and who shall be dissatisfied therewith, the power to appeal to the Comptroller of the Treasury within six months, whose decision shall be final and conclusive. Mr. G. stated that his object was, that every account should go before the Comptroller without the form of an appeal, which would be embarrassed by rules. He thought the provision unnecessary, and, being limited to six months, might be very prejudicial to persons at a distance. Mr. G. also moved to insert an amendment to leave the whole matter to the Comptroller.

Mr. MANN, of New York, remarked that the amendment of his colleague, if adopted, would require a new office and twenty additional clerks.

The amendment was then rejected.

Mr. HARPER, of Pennsylvania, then moved the first branch of the amendment of which he had given notice above; and, after a few remarks from Mr. HARPER and Mr. ADAMS, it was rejected.

The second branch of Mr. HARPER's amendment, being substantially the same as the second part of the amendment which Mr. EVERETT had moved, was agreed to.

Sections from nine to eighteen, inclusive, were severally agreed to, with some immaterial amendments.

Mr. EVERETT moved to amend the 19th section, so as to give the appointment of all the Assistant Postmasters General to the President of the United States, by and with the advice and consent of the Senate, instead of, as under the bill, by the Postmaster General.

Mr. HALL, of Vermont, opposed the amendment, because he thought the appointment of the subordinate officers should be left to the heads of the Departments in all cases.

Mr. CAVE JOHNSON saw no reason for appointing an additional Postmaster General at all.

Mr. CONNOR concurred with the amendment, and stated that it was an oversight on his part that the provision was not pursuant to the amendment in the bill.

Mr. EVERETT withdrew the amendment, intimating that he should renew it in the House.

Mr. CAVE JOHNSON moved to strike out that part of the clause appointing an additional Postmaster General. Lost.

Mr. UNDERWOOD moved to strike out so much of the 22d section as authorized the Postmaster General to make extra allowances in certain cases. Lost.

Mr. EVERETT moved to amend the 23d section of the bill, by adding a provisional clause, that the contracts in all cases should be awarded to the lowest bidder.

Mr. CONNOR said the effect of the amendment would be productive, in many instances, of great inconvenience, in consequence of the mode of "straw-bidding," some of the effects of which he described. Nominal or straw-bids were not unfrequently put in, for a motive well understood; and if the Postmaster General was compelled to take the lowest bids in all cases, an important route might be without a mail for eighty or ninety days.

Mr. EVERETT replied that the 25th section provided

that the bidder should accompany his proposal by a written guarantee, signed by one or more responsible persons.

Mr. MANN, of New York, saw no objection to the amendment providing that the guarantee should be signed by one or two postmasters.

After a few remarks from Messrs. BRIGGS, THOMPSON of South Carolina, HAWES, and ASHLEY, and opposed by Messrs. HOWARD, LANE, BOON, and HUNTSMAN, the amendment was agreed to.

Mr. EVERETT moved to amend the 25th section, by causing the bidder to give a guarantee of "two postmasters," instead of one or more responsible persons. Agreed to.

Mr. EVERETT moved to strike out the 26th section, which was as follows:

"SEC. 26. *And be it further enacted*, That no contract for the transportation of the mail shall knowingly be made by the Postmaster General, with any person who shall have entered into any combination, or proposed to enter into any combination, to prevent the making of any bid for a mail contract by any other person or persons; or who shall have made any agreement, or shall have given or performed, or promised to give or perform, any consideration whatever, or to do or not to do any thing whatever, in order to induce any other person or persons not to bid for a mail contract. And if any person so offending be a mail contractor, he may be forthwith dismissed from the service of the Department."

Mr. MANN of New York, and Mr. BRIGGS, opposed the motion.

Mr. WISE recommended that the gentleman from Vermont amend the section, rather than to strike it out, so as not to leave so great a power in the hands of the Postmaster General arbitrarily. He would prefer the existence of combinations, rather than to leave so much power in the hands of that officer, without limitation.

Mr. BRIGGS said somebody must be left to determine, and the section was sufficiently explicit in terms. There could not, he thought, be a tribunal instituted for the inquiry into this matter, and he hoped the section would be retained.

Mr. WHITTLESEY, of Ohio, thought this section of the bill absolutely necessary for the proper administration of the Department, and, upon reflection, he hoped the gentleman from Vermont would withdraw the motion.

Mr. HALL, of Vermont, moved an amendment to the section, giving the person offending the privilege of defending himself, and also that depositions should be taken, &c.

Mr. GRAVES moved to amend the amendment, by restricting the Postmaster General in the exercise of the power conferred upon him by the section, except upon written evidence before a tribunal authorized to administer an oath, and only then, upon due notice.

Mr. ADAMS disapproved of the amendments, and the section also, for it was giving too great a power to the Postmaster General, and he was in favor of striking it out.

Mr. WARDWELL contended that the power embraced in the section was absolutely indispensable for carrying on the Department, and he hoped it would pass without amendment.

Mr. McCOMAS was in favor of compelling the Postmaster General to give his reasons for discharging a contractor.

Mr. GARLAND, of Virginia, entered into a review of the section, which, he said, under the fairest construction, was strangely incongruous. He thought the best provision would be to make it the duty of the Postmaster General to require every mail contractor to file his affidavit, that he had no connexion with these fraudulent combinations; and if the individual was guilty of perjury, let him be prosecuted by the United States attorney.

Mr. GRAVES then modified his amendment, by including therein the suggestion of the gentleman from Virginia.

The discussion was further continued, in opposition to the amendment, by Messrs. BRIGGS, JUDSON, and LANE, when the amendment was negatived, as was the other amendment.

The section was then agreed to.

On motion of Mr. CONNOR, the following section was stricken out:

"SEC. 31. *And be it further enacted*, That no letter or packet, containing any bound book, or any article of wood, metal, mineral, or glass, shall be carried in the mails; and if any such letter or packet shall be placed in any post office for transmission by mail, it shall be retained by the postmaster, and returned to the person from whom it was received."

On motion of Mr. PARKER, the thirty-fourth section was so amended as to require that each postmaster hereafter appointed should be an inhabitant of the place wherein the appointment was made.

The bill having been gone through,

Mr. CONNOR, from the Committee on the Post Office, proposed the following, as additional sections of the bill:

SEC. 38. *And be it further enacted*, That from the thirty-first day of December, one thousand eight hundred and thirty-six, the following rates of postage shall be charged upon all letters and packets carried in the mail of the United States, excepting such as are by law exempt from postage, to wit:

For every single letter, or letter composed of one piece, carried not exceeding fifty miles, five cents.

Over fifty and not exceeding one hundred miles, ten cents.

Over one hundred and not exceeding two hundred miles, fifteen cents.

Over two hundred and not exceeding four hundred miles, twenty cents.

Over four hundred and not exceeding eight hundred miles, twenty-five cents.

Over eight hundred miles, thirty cents.

And for every letter or packet composed of two pieces, double these rates; and for every letter or packet composed of three pieces, triple these rates; and for every letter or packet composed of four or more pieces, quadruple these rates: *Provided*, That all letters and packets of one ounce, avoirdupois, in weight, or more, shall be charged single for every quarter of an ounce.

SEC. 40. *And be it further enacted*, That in case the Postmaster General shall deem it expedient to establish an express mail on horseback, in addition to the ordinary mail, on any of the post roads in the United States, for the purpose of conveying slips from newspapers in lieu of exchange newspapers, or letters, other than such as contain money, not exceeding half an ounce in weight, marked, "express mail," and public despatches, he shall be authorized to charge all letters and packages carried by such express mail with triple the rates of postage to which letters and packets not free may be by law subject, when carried by the ordinary mails.

SEC. 43. *And be it further enacted*, That the Postmaster General shall be authorized, in his discretion, to contract for carrying the mail on the navigable canals of the several States, in all cases where, in his opinion, the public interest and convenience shall require; and for the time during which mails may be carried on such canals, or any parts thereof, the same are hereby declared to be post roads.

Several other additional sections in relation to the regulation of the Post Office Department were then, on motion of Mr. CONNOR, agreed to.

Mr. SHIELDS offered an amendment, of great length,

prohibiting the circulation, through the mail, of incendiary publications, prints, &c. Mr. S. said, as he wished to enter into the subject at length, he moved that the committee then rise, report the bill to the House, and ask leave to sit again. Lost: Ayes 58, noes 71.

Mr. SHIELDS proposed to lay aside this bill, and proceed to the consideration of the "post route" bill. Negatived.

At the request of Mr. LOVE, Mr. SHIELDS withdrew his amendment for the present.

The last amendment, authorizing the Postmaster General to contract with railroad companies, &c., having been amended as to the price to be paid, on motion of Mr. MANN, of New York,

Mr. BELL moved a substitute to the whole clause, to repeal all laws prohibiting private individuals or companies from carrying letters for hire, and proceeded at length to address the committee in support of the motion.

Mr. MANN (a member of the Committee on the Post Office and Post Roads) addressed the Chair, and said he could not forbear, anxious as he was and as he knew the committee were, after this protracted sitting upon this bill, to trespass upon their attention for one moment, to make a very brief reply to the most extraordinary proposition of the honorable member from Tennessee, [Mr. BELL,] and his still more extraordinary argument in support of that proposition. It has not been forgotten (said Mr. M.) that the honorable member, a short time since, favored us and the country, as the premier in advance of what is sometimes called here the White administration, with a very long and querulous exposé of the leading principles entertained, and the measures and policy of Government proposed to be pursued, by that administration, if the people, in the plenitude of their abundant mercy and forgiveness of ingratitude, should think proper to bring it into power. The first general reflection which naturally occurred, both here and in the country, upon that exposé, was, that if the new administration was to have duration proportioned to the length of the green bag of its prime minister, it would be likely to become perpetual, and in that respect might have the early misfortune to excite the apprehension of some of its friends. However, it appears now, Mr. Chairman, (said Mr. M.,) that all its measures were not then unfolded, because perhaps it had not then entered into the phrensied imagination of the honorable member, or any of the under secretaries, that it would be a republican measure to abolish the Post Office Department, which would entitle him to the special gratitude of the republic, on the ground that it is a monopoly! A monopoly, the honorable member vehemently assures us, assumed without any authority of the constitution! A monopoly, indeed, Mr. Chairman, of conveying intelligence to a free people, of which the honorable member may persuade himself he has cause to complain, although, let me assure him, he has far more cause to "fear and tremble." A monopoly, sir! Can a free mail and a free press, in the hands of a free and enlightened people, open and secured to all alike, be a monopoly, odious to the honorable member and obnoxious to the constitution and the institutions of civil liberty? Mr. Chairman, I know not, (said Mr. M.,) how to express my surprise at the proposition now submitted, and the position assumed in the argument—I confess my utter astonishment. I am, Mr. Chairman, almost overwhelmed with amazement at the strange measure now proposed by the honorable gentleman, and more strange argument by which he urges its acceptance by this committee, that the Post Office establishment is a monopoly, assumed without authority of the constitution! My surprise is augmented, when I recollect that this measure is proposed by a gentleman from the South-western portion of this confederacy, whose constituents are, if possible, more deeply interested in the Post Office establishment than those of any other parts of the Union, deriving from it those inestimable advantages of intercommunication with their brethren throughout our wide domain—political, commercial, civil, and religious—without which the institutions of society would scarce be worth maintaining, Yet does the worthy member propose virtually to abolish the Post Office establishment—to dry up all the fountains and streams of intelligence to his people, by cutting off, with a rude and unstaid hand, all the means of public and regular communication, provided, controlled, and secured, by public law.

Sir, (said Mr. M.,) if the honorable gentleman from Tennessee should propose to this House to pass an act of oblivion for his past errors, and of forgetfulness and forgiveness for those of the future, he would not astonish the country more than by his present proposal. But, sir, (said Mr. M.,) I must beg the committee to bear with me while I recur to the argument of the gentleman, who begins by informing us that the framers of the constitution had so little regard for the Post Office establishment that they had well nigh forgotten to mention it in that sacred instrument. How, then, sir, could it have happened to occur to them to insert this plain provision, "that Congress shall have power to establish post offices and post roads?" But the worthy member says that this does not prohibit the States from exercising the same power. If this be true, sir, then why does the honorable member, in his jealousy, complain of monopoly? I know, sir, (said Mr. M.,) as well as the gentleman, that the States are not expressly inhibited from the exercise of the same power; that there are several cases where the respective States and the Federal Government have concurrent powers and jurisdiction over the same subject. However, sir, the honorable member from Tennessee knows better than I do that the uniform construction of the highest judicatories of the land has been, that in these cases of concurrent powers of the General and State Governments, the exercise of the power by the United States excludes and prohibits the exercise of the same power over the same subject-matter by a State; and this from the nature and construction of our institutions and the necessity of the case. I need not inform the gentleman from Tennessee, that under this express grant in the constitution Congress have exercised the power "to establish post offices and post roads," and, therefore, that while the United States continue the exercise of that power, the power of the States to establish post offices and post roads is suspended. This construction of the constitution, I believe, has not been complained of in any quarter. If, therefore, the Post Office establishment of the United States is a monopoly, as is now complained by the honorable member, it results that it is a monopoly established by the constitution of the Union, beyond the reach, fortunately, of the nullifying and levelling process of the gentleman or his programme administration.

The gentleman (said Mr. M.) draws analogies by informing us that this establishment of ours compares with those of Europe, which he says are also monopolies, established for two purposes: first, for political power; second, for revenue. These analogies, sir, are unjust, and bear no parallel, because, thanks to the spirit of freedom, there is no parallel between their oppressive and despotic institutions and ours. But, if there were some features in ours obnoxious to the political sensibilities of the gentleman from Tennessee, does it follow that one of those institutions, conferring the greatest benefits upon the country, (and upon no part greater than upon that happy portion from which that gentleman comes, by carrying to it a knowledge of the patriotic services upon this floor of their talented and distinguished Representative,) should be nullified and exterminated? I trust (said Mr. M.) in the genius of my

country, to save and protect it from such violence. Mr. Chairman, (said Mr. M.,) I am very properly reminded, by a note from a respected and valued colleague on the Post Office Committee, [Mr. Briggs, of Massachusetts,] of the late hour of the day, and the necessity of brevity, yet I can hardly forbear to continue my remarks, hasty and desultory as I am sensible they are, upon a proposition of so extraordinary a character, coming from such a source; yet I will obey the kind admonition of my friend from Massachusetts, and leave the honorable member and his measures to the examination of an enlightened people, trusting confidently that this committee are not prepared to entertain for one moment longer a proposition so entirely subversive of the dearest interests of every American citizen.

Mr. HAWES briefly opposed the amendment.

The debate was further continued by Messrs. BELL, WISE, and HAWES, when the amendment was negatived without a count.

Mr. MANN, of New York, submitted the following amendments:

Amend the 19th section in the last line by inserting "three" instead of "two," and by adding the words, "and two watchmen."

Add the following sections to the bill:

And be it further enacted, That the following annual salaries shall be allowed to the Assistant Postmasters General, and to the clerks, messengers, and watchmen, provided for the service of the Post Office Department, to be paid at the end of each calendar month, viz:

To the three assistant Postmasters General, each $3,000;
To the chief clerk, $2,100;
To the three principal clerks, each $1,700;
To ten clerks, each $1,400;
To fifteen clerks, each $1,200;
To eight clerks, each $900;
To the messenger, $900;
To the three assistant messengers, each $600;
To the two watchmen, each $300.

Be it further enacted, That the following annual salaries shall be allowed to the Auditor of the Post Office Superintendent, and to the clerks and messengers herein provided for the service of his office, to be paid as aforesaid, viz:

To the Auditor, $3,000;
To the chief clerk, $2,000;
To the four principal clerks, each $1,700;
To ten clerks, each $1,400;
To twenty clerks, each $1,200;
To eight clerks, each $900;
To the messenger, $900; and
To the assistant messenger, $600.

After a few remarks by Messrs. CAVE JOHNSON, GRANGER, and MANN of New York, the amendments were concurred in: Ayes 75, noes 61.

Mr. SHIELDS renewed the amendment heretofore offered by him in relation to the transmission of incendiary papers, &c., through the mails, and moved that the committee rise and ask leave to sit again; which was agreed to: Ayes 78, noes 53.

The committee accordingly rose, and reported progress.

Mr. MANN, of New York, moved to discharge the Committee of the Whole from the further consideration of the bill, for the purpose of bringing it into the House, and having it printed.

Mr. STORER moved an adjournment; negatived: Ayes 63, noes 81.

The SPEAKER decided the motion of Mr. Mann out of order.

Mr. MANN, of New York, then moved to suspend the rules for the purpose of submitting a motion to proceed on to-morrow, from 11 o'clock, with the two bills in relation to the Post Office Department; which was agreed to, and the motion was made and carried.

Mr. MANN, of New York, by consent, moved that the bill and amendments in relation to the organization of the Post Office Department be printed; which was agreed to.

The House then adjourned.

Friday, May 20.

ACCEPTANCE OF VOLUNTEERS.

Mr. LEWIS, from the joint committee of conference on the disagreeing vote of the two Houses upon an amendment of the Senate to the bill authorizing the President of the United States to accept the service of volunteers, reported that the committee had come to no agreement, and that he was instructed to move that the House insist on their disagreement to the amendment of the Senate.

[The amendment provides that the officers shall be appointed by the President and Senate, instead of being appointed by the volunteers, under the regulations of the State Governments, as proposed by the House.]

In making this report, Mr. Lewis adverted to the necessity of acting speedily on the bill; and although he had been instructed to move that the House insist on their disagreement, and was decidedly hostile to the amendment of the Senate, still, rather than have no bill, he preferred to take the proposition of the Senate; and he hoped some gentleman would move that the House recede from their disagreement, and thus let the bill become a law. He adverted to the probability of a general Indian war, and the necessity of speedily providing for such an emergency. He was credibly informed that at least six thousand Creek warriors were in arms.

Mr. BELL begged leave to state, from the information which he had obtained, that instead of there being six thousand Indians in arms, there had not been more than six hundred; and that, in all probability, the whole insurrection had been suppressed before this time. He warned the House not to be driven into measures by this panic, because it could not be possible that there were six thousand warriors in the field in the Creek nation.

Mr. LEWIS had received his information from the gentleman from Florida, [Mr. White,] who had just arrived from the South.

Mr. BELL said, even if the bill did pass, it could not be carried into effect in time to be of any service in the insurrection in Alabama and Georgia. The insurrection must be put down by volunteers and militia, before the troops provided to be raised in this bill could be brought into service.

Mr. LEWIS had no disposition to delay the passage of the bill; on the contrary, he hoped it would be immediately passed. He had stated the number of warriors at six thousand. He believed that to be the number of warriors; and, certainly, there were but very few of those Indians friendly to the whites.

Mr. GLASCOCK moved that this House recede from their disagreement to the Senate's amendment; and, in making this motion, he would remark, he did not consider it important at this time to dispute or discuss the point as to the actual number of Indians now under arms, and assuming a warlike attitude. It was enough for him to know that many of his fellow-citizens had fallen victims to the tomahawk and scalping-knife, and that large numbers were fleeing from the State of Alabama, under the greatest excitement, panic, and confusion, into the limits of his own State, for security and protection, to induce him to urge and invoke the immediate action of the House on the bill, in order that some final disposition might be made of it. And he did believe the passage of the present bill would produce the most

beneficial results to our whole frontiers, and would have a tendency to give permanent peace and security to our injured and suffering citizens. He would, however, observe that he looked with confidence to the militia of Georgia and Alabama to do their duties; and he had no fears, if an opportunity were afforded them, that they would promptly repair to the theatre of action, and at once subdue the merciless savages, and avenge the deaths of their murdered neighbors and friends.

But Mr. G. said he had great apprehension still as to Florida, and was, indeed, fearful that there would be a co-operation with the Seminoles and the lower Creeks; in which event, no one could foretell or foresee what would be the ultimate consequences, or when the war now raging would be brought to a close. He thought, therefore, if the bill could pass at once, thousands of volunteers from different sections of the country would be found entering the ranks, enrolling themselves for service, and flying to any standard where those services might be required; and he did believe and hope many of them would have the pride and gratification of aiding in bringing to a close the unfortunate and ill-fated war of Florida, and would ultimately render lasting services on our Northwestern and other frontiers. Mr. G. then concluded his remarks by maknig a strong appeal to the House to act at once on the bill, and dispose of it some way or other without further delay.

Mr. WHITE, of Florida, said he had heard the remarks of the gentleman from Tennessee [Mr. BELL] with some surprise and astonishment. That gentleman has intimated, upon some second-hand information, that Colonel Crowell has reported to some one that the late movement of the Creek Indians is confined to a few individuals, and has admonished us not to act upon a panic in passing this bill for the defence of the frontiers. Sir, (said Mr. W.,) I do not believe that the individual alluded to has ever said any such thing as that now reported as coming from him; and if he has, he is contradicted by his own printed letter, in which he speaks of the Creek nation as having engaged in a general war against the whites. I protest against any tavern conversations with any individuals being used to prevent those measures of defence which the interests of the country require at the hands of Congress. You have an official report from the officer in command at Fort Mitchell, published this morning, from the War Department, several days later than the letter of Colonel Crowell, who has himself fled from the country, representing the whole Creek nation in open hostility. The letter referred to is dated the 9th of May, and I myself left Augusta, Georgia, on the 13th; and all the information, private and official, up to that day, confirms the report of an open, general war, with all its attendant horrors of savage atrocity and butchery.

The talismanic word "panic," usually applied by the gentleman's old political friends to a very different subject, is utterly inapplicable to a bill which has been dragging through the tedious forms of legislation for more than two months, and postponed from time to time for every other miserable party debate out of which a panic could be manufactured. What is the history of this bill? Some three months ago I introduced a proposition to organize a mounted regiment of riflemen, to be added to the army of the United States, to be employed against the Florida Indians, who were then cutting the throats of the sparse and unprotected frontier settlements. The proposition was then opposed upon one frivolous pretext and another, some objecting, to know if the Secretary of War was in favor of it, others, that never-failing and favorite topic of *expend*, until finally I was half persuaded and half driven to refer it by resolution to the Committee on Military Affairs. After sleeping there for four weeks, the bill was reported, authorizing the President to accept volunteers for six and twelve months. That bill, like every other that does not enlist the passions of party, has remained until the whole frontier is now bleeding from the tomahawk and scalping-knife; and this war, like that of Florida, is to be undervalued and depreciated, as an excuse for the want of preparation.

I feel that the people I represent are more in danger from this war than from that of the Seminoles, disastrous and desolating as it has been. These Indians occupy a position from which, if pressed, as they will be, on the north and west, by the people of Alabama and Georgia, they must retreat south and east, to unite with their savage allies, and must lay waste and destroy the whole country between their southern limit and the Gulf of Mexico.

The Seminole Indians, by a concerted movement, are advancing on middle Florida. The whole militia force is disbanded, and the regulars reposing in "summer quarters!" The Creek Indians can bring into the field six thousand warriors. As there is no motive, arising from want of preparation in this case, their numbers will hardly be depreciated by the Government. Our miserable little army, which would only make two respectable French or British regiments, is scattered over four thousand miles of this extended continent. Four companies were preparing to sail from New York for Fort Mitchell the day before yesterday. These four companies are expected to penetrate the enemy's country, which, if they venture to do under their gallant commander, we shall have to mourn over another tragedy like that of the noble and unfortunate Dade and his valiant companions in arms.

Sir, however unpopular it may be considered by some, I am satisfied that the good sense of the American people will justify an increase of the army to twenty thousand men; and I think this Congress ought not to adjourn without raising three regiments of infantry and three of artillery, in addition to the regiment of dragoons or mounted riflemen provided for in this bill. The idea of an opposition by the people in general to increasing the army has been propagated more by the timidity of politicians than any hostility of the people of the United States, founded upon imaginary dangers from the examples of other countries. My objection to every part of this bill, except the provision, inserted since it was reported, for a regiment of dragoons or mounted riflemen, is, that it provides for ten thousand volunteers, who can never be raised, instead of ten thousand to be added to the army proper. The experience we have had in service, and the expense of raw and undisciplined militia, should have taught us a lesson on this subject full of grave consideration and instruction.

This Government assume that they are not responsible for losses in war; and, acting on that principle, they indifferently look on and see a whole frontier desolated by a savage enemy, whilst an empty controversy is going on whether the President or the States are to commission officers. Has the history of the world ever produced an example similar to the one now exhibiting in this country?

We have a population which, in ten years, will equal that of Great Britain, free of debt, with a Treasury full to plethoric, with the accumulated treasures of the people whose humanity and patriotism lead them to look to the protection of every portion of this confederacy, and to esteem the life of one citizen of the republic as above all price; and yet you have a miserable, ragged army, who cannot be concentrated until your frontier is deluged in blood. What have we seen in Florida? A whole people, for months, agitated and alarmed, flying in all directions from a barbarian enemy; fields desolated, houses burnt, and women and children driven to fortified places, to be cast off by insolent subalterns, with the refusal of what was offered by the humanity of Congress. This is no exaggerated picture of that frontier. For weeks, after acts of notorious villany and

murder, we see that gallant and veteran officer, General Clinch, taking the field with 220 regular soldiers, and the Secretary of War reporting that he had eleven companies under his command—the largest portion of these companies, at that moment, a thousand miles from him. How a portion of them who attempted to join him were cut to pieces must be fresh in the recollection of every man who has patriotism and sensibility enough to feel for such a catastrophe. I do not like to indulge in such melancholy prophecies; but I have no doubt such scenes will be acted over again, before the end of this war with the Creeks.

If a sufficient force is put at the command of General Clinch, and he is not fettered and harassed with aspirants, whose prowess consists more in words than deeds, he will bring this Seminole war to a close in a very short time. These Indians must see a force in the field every month in the year. Their crops must be cut up, and they confined to their retreats and morasses, or chastised in open combat. So far as the bill provides for volunteers for a year, I do not think the President will obtain one out of Florida without increased pay and a bounty in land. Those who enrol themselves in the Territory will do so to protect their wives and children; and, in doing so, they may preserve them from the tomahawk to starve afterwards for want of subsistence. The miserable pittance of eight dollars per month, in a country where every laborer receives twenty or thirty, will not, with the loss of a crop, keep their families alive to the end of the year. If rations are directed to be distributed by Congress, and that is left to the Secretary of War and his agents, the people may, where they have any, to use their language, "sell one slave to feed another." Every thing seems to have been done by omissions here and constructions at the War Department, to disgust the militia with the service. The ten thousand dollars borrowed by the city of Charleston of the banks to equip the South Carolina volunteers has not been paid. The East Florida volunteers, as brave men as ever entered any field, who went to aid General Clinch when he was contending against an enemy twelve or fifteen hundred strong, with eleven companies, which means two hundred and twenty men, have not been paid, because they were not ordered out by the War Department. Every thing is sent back upon us for new acts of Congress, and every one knows how difficult it is to touch any subject. Sir, I hope this bill will pass without delay, that we may get this regiment of mounted riflemen in the field, to put an end to the disgraceful Indian and servile war on your Southern frontier.

Mr. THOMPSON, of South Carolina, agreed fully with gentlemen as to the danger of an eruption, not only of the Creeks, but of other Indian tribes. It will be remembered that, months past, he had expressed his fears on this subject, which were then regarded as visionary. He was very sorry that his predictions were in the course of such terrible fulfilment. He had as much sympathy, and as many personal reasons for that sympathy, as any man on this floor; as many of his kindred and his blood, and as dear to him, were on that frontier, as of any other member. But it was precisely on that account that he was opposed to a measure not only of permanent and great danger, but of present impracticability. He would not, under a momentary panic, vote for a measure likely to cause so much evil, and certain to have no practical beneficial results. He had no hesitation in saying that men will not volunteer under officers to be appointed by the President. The gentleman from Georgia [Mr. Glascock] said that these volunteers, as they are called, will be furnished by Kentucky and Tennessee. He is mistaken. There is no place to which he would sooner go for volunteers, properly so called, than to those States; but they are the last to which he would go to enlist soldiers in a regular army. This would be, in every attribute, a regular army; and you will get none to join it but such as would enlist. Men are not to be cheated into enlisting in a regular army, by calling them volunteers.

He spoke of the people he was acquainted with, and said, with confidence, that, whilst they would promptly volunteer in this or any other emergency, under their own officers, men in whose courage, skill, protection, and kindness, they could confide, they were just the men who would not volunteer under officers unknown to them. This has always been the feeling, a feeling infinitely increased by the Florida campaign, a campaign in which defeat and disaster, without any fault or failure on their part, have been compensated for by harshness, unkindness, and ungenerous sneers, by their commander; sneers upon men who complained not of toil, starvation, or discipline, but only that they were not allowed to fight when an opportunity offered; men, sir, some of whom, as God is my judge, I believe would have terminated the war, if they had been in command.

But, (said Mr. T.,) if these troops can be raised, how is it to be done? By establishing fifty recruiting stations, bringing the men together from distant quarters, electing their company officers, and sending the result here? The officers, company, field, and general, appointed by the President from all quarters? Such a force cannot possibly be brought into the field in less than six months; and when they are, they will come to a desolated country, an exterminated people. Do any doubt this? And yet, with all this inevitable delay, we are to be hurried, without discussion, into the adoption of this most important, most dangerous, and inefficient measure. Mr. T. protested, again and again, against the topics, the exciting topics, which have been involved in this discussion. If these topics are proper, they are of course not in favor of this impracticable measure, but of some other that will be effectual. Is the country defenceles, unless we pass this amendment? Is it true that our Government is, and has so long been, so organized that it cannot resist an Indian insurrection? He trusted not. Let the militia be called out not only in sufficient numbers to suppress this insurrection, but to suppress, and forever, as well by its magnitude as by the punishment that it will inflict on all insurrectionary spirits among the Indians. There is power already to call out militia for three months. Let it be done, and instantly done; and, in the mean time, let us deliberate, with cool heads and steady nerves, upon such other measures as may be necessary. Mr. T. would add that, if these men can be raised, which he did not believe, they would be exactly such men as he did not desire to organize, and under officers appointed by the Executive.

Mr. HARDIN said gentlemen only differed as to the mode of putting down this war, as all were in favor of putting it down. He thought, however, the numbers of these Indians had been greatly exaggerated. He had no idea that there were 6,000 Creek warriors in the field. He had no doubt but that gentlemen were sincere in stating what they had heard; but these reports were generally exaggerated. Besides this, he would inform gentlemen that a regular force was not the kind of force to put down those Indians. He had said, when the war first broke out in Florida, that mounted men from Kentucky or Tennessee were the kind of troops needed there; and he verily believed, if the Government had made a contract with Western men to put down this war, that it would have been done for a few thousand dollars, where it would now cost the Government perhaps two or three millions. When the Black Hawk war was going on, the only efficient force which was brought against the Indians was the mounted men, and the regu-

sure, some discontent on the frontier; but he did not think that should be made a pretext for increasing the regular army. He had no objection to seeing twenty thousand militia called into service; but he protested against an increase of the regular army. He alluded to the difficulty in reducing the army after the last war, and adverted to the deleterious effects of standing armies in every country in the world. The gentleman from South Carolina was right in saying that regular soldiers could not be enlisted in the South and West; but tell them that you want militia, and that they would be commanded by their own officers, and you could, in a very short time, raise 10,000 men. He thought, if they were to have a new conference with a committee appointed by the Senate, that the bill might be made satisfactory; but he hoped that no Indian hostility which might break out would induce the House to pass the bill as it was. He alluded to the destructive Indian wars which were carried on in the years 1790, '91, '92, which were put down by the militia, without the regular army being over three thousand strong.

Mr. HOLSEY said the facts in relation to the Indian hostilities in Georgia and Alabama should be understood by the House. Information had reached him that the Indians were in open hostility; that they had murdered several of the citizens; that women and children were flying from their homes for protection; and the fact that upwards of three thousand citizens had deserted their homes was sufficient to convince him that there was a necessity for speedy action upon this bill. Those people were not the people who would fly from their homes unless there was actual danger; and gentlemen could not persuade him that the hardy cultivators of the soil would desert all their resources, without there being an actual Indian invasion. I could not sit silent and hear the gentleman from Tennessee [Mr. BELL] say that there were not more than 600 of these hostile Indians. He pressed the House to recede from their disagreement to the Senate's amendment; because it was his firm conviction that, unless they did so, the bill would be defeated.

Mr. H. went into an argument to show that there was no danger to be apprehended from this bill, and also to show that it was not unconstitutional.

Mr. CONNOR called for the orders of the day.

Mr. MILLER asked that the vote might be taken by general consent.

Objections being made, Mr. M. moved to suspend the rules until twelve o'clock, for the purpose of disposing of this question.

Mr. CAMBRELENG called for the yeas and nays on the motion to suspend; which were ordered, and were: Yeas 156, nays 37. So the motion to suspend the rules was agreed to.

Mr. SPEIGHT thought the bill had been amply discussed, and that every member was prepared to vote upon the proposition before the House. He therefore moved the previous question; which was seconded: Yeas 106, nays not counted.

Mr. PATTON remarked, that considering this bill as involving a violation of the constitution, he asked for the yeas and nays on the previous question; which were ordered.

The House then determined that the main question (which was on receding from their disagreement to the Senate's amendment) should be put: Yeas 126, nays 70.

Mr. WHITTLESEY, of Ohio, asked for the yeas and nays on the main question; which were ordered, and were: Yeas 74, nays 123. So the motion to recede was decided in the negative.

The House then insisted upon its disagreement to the amendment of the Senate.

POST OFFICE DEPARTMENT.

The House then proceeded to the further execution of the special order, and, on motion of Mr. CONNOR, resolved itself into a Committee of the Whole on the state of the Union, (Mr. SUTHERLAND in the chair,) and resumed the consideration of the bill "to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof."

The question pending was the following amendment of Mr. SHIELDS:

"*Be it further enacted*, That whosoever shall knowingly and wilfully deposite, or cause to be deposited, or offer to deposite, in any post office in the United States, or any of the Territories thereof, any incendiary handbill, almanac, newspaper, pamphlet, print, picture, painting, or other incendiary paper or document, for the purpose that the same may be transmitted by the mail into any of the slaveholding States or Territories of the United States, wherein the circulation of the same shall have been, or may be, forbidden by the laws of such State or Territory, with the intent to excite the slaves in any of the said States or Territories to insurrection or domestic violence, upon due conviction thereof by a jury of the country in any of the district courts of the United States having cognizance thereof, he, she, or they, so offending, for each and every offence shall be fined in a sum not less than $———, nor more than $———, or imprisoned for a period not more than —— months, nor less than —— months, at the discretion of the court before whom such conviction shall have been had.

"SEC. —. *And be it further enacted*, That nothing contained in the acts of Congress which establish and regulate the Post Office Department of the United States shall be construed to protect any postmaster, mail carrier, or other officer or agent of said Department, in knowingly publishing or circulating in any of the slaveholding States or Territories aforesaid, any incendiary handbill, almanac, newspaper, pamphlet, print, picture, painting, or other incendiary paper or document, the printing, publication, or circulation of which shall be prohibited by the constitution or laws of that State: *Provided*, That such constitution or laws be not, in that respect, incompatible with the constitution and laws of the United States; and any postmaster, mail carrier, or other officer or agent aforesaid, offending in the premises, is declared to be amenable to the State laws and tribunals in the same manner, and to the same extent, as any other citizen or resident of the said State, not in the service of the United States.

"SEC. —. *And be it further enacted*, That any handbill, almanac, newspaper, pamphlet, print, picture, painting, or other paper or document which shall have been, or shall be, printed, uttered, or published, with the intent to instigate or excite the slaves of any of the said slaveholding States or Territories to insurrection or domestic violence, or which shall have manifestly a tendency thereto, shall be deemed and held to be incendiary, within the true intent and meaning of this act."

Mr. SHIELDS said: It is not my object to retard, unnecessarily, the progress of the passage of this bill, but standing in the relation which I do to the subject provided for in this amendment, I should consider that I was wanting in duty to myself, my constituents, and my country, were I to omit presenting it in some form for the action of Congress.

It will be remembered that, at an early period of this session, so much of the President's message as relates to the transmission of incendiary publications through the mails into the Southern States was referred to the committee of which I have the honor to be a member.

I have been at all times anxious that the result of our deliberations (whatever it might be) should be reported to the House, that we might have some final action upon it. This I have been unable to effect. A majority of the committee, too, professing to agree with the views contained in the message, but differing as to the details of the bill; the minority having sent their written argument out to the world, condemning the views of the Executive; and it having been said elsewhere, that none of the friends of the Executive had or would defend his views on this subject: under these circumstances, and differing from the minority in sentiment, I cannot, in the discharge of my duty, longer remain silent.

I shall, therefore, (he said,) deeply impressed with the thrilling interest which pervades the whole country with regard to every thing touching this painful and agitating subject, proceed in its investigation with such a degree of caution and circumspection as a proper respect for the conflicting opinions of others and the importance of the subject itself demand.

The very forcible and emphatical manner in which the attention of Congress is called to this branch of their inquiries by the Chief Executive of the nation cannot fail to elicit from this committee the strictest examination into existing facts, so as to enable us to come to proper conclusions as to the extent of the evil, if any actually exists; and to provide, as far as practicable and necessary, for the safety, harmony, and repose, of the country.

In that part of the message which relates to the subject under consideration, the President speaks in the following impressive language:

"In connexion with these provisions in relation to the Post Office Department, I must also invite your attention to the painful excitement produced in the South, by attempts to circulate through the mails inflammatory appeals addressed to the passions of the slaves, in prints, and in various sorts of publications, calculated to stimulate them to insurrection, and to produce all the horrors of a servile war."

After giving his views somewhat at large, and expressing his conviction "that there is doubtless no respectable portion of our countrymen who can be so far misled as to feel any other sentiment than that of indignant regret at conduct so destructive of the harmony and peace of the country, and so repugnant to the principles of our national compact, and to the dictates of humanity and religion," he thus concludes:

"In leaving the care of other branches of this interesting subject to the State authorities, to whom they properly belong, it is nevertheless proper for Congress to take such measures as will prevent the Post Office Department, which was designed to foster an amicable intercourse and correspondence between all the members of the confederacy, from being used as an instrument of an opposite character. The General Government, to which the great trust is confided of preserving inviolate the relations created among the States by the constitution, is especially bound to avoid, in its own action, any thing that may disturb them. I would, therefore, call the special attention of Congress to the subject, and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the Southern States, through the mail, of incendiary publications intended to instigate the slaves to insurrection."

The Postmaster General, in his very luminous report of December 1, 1835, addressed to the President of the United States, thus expresses himself in relation to this subject:

"A new question has arisen in the administration of this Department. A number of individuals have established an association in the Northern and Eastern States, and raised a large sum of money for the purpose of effecting the immediate abolition of slavery in the Southern States. One of the means resorted to has been the printing of a large mass of newspapers, pamphlets, tracts, and almanacs, containing exaggerated, and, in some instances, false accounts of the treatment of slaves, illustrated with cuts, calculated to operate on the passions of the colored men, and produce discontent, assassination, and servile war. These they attempted to disseminate throughout the slaveholding States by the agency of the public mails."

"As soon as it was ascertained that the mails contained these productions, great excitement arose, particularly in Charleston, South Carolina; and to insure the safety of the mail in its progress southward, the postmaster at that place agreed to retain them in his office until he could obtain instructions from the Postmaster General. In reply to his appeal, he was informed that it was a subject upon which the Postmaster General had no legal authority to instruct him. The question again came up from the postmaster at New York, who had refused to send the papers by the steamboat mail to Charleston, South Carolina. He was also answered that the Postmaster General possessed no legal authority to give instructions on the subject; but as the undersigned had no doubt that the circumstances of the case justified the detention of the papers, he did not hesitate to say so. Important principles are involved in this question, and it merits the grave consideration of all departments of the Government."

"The position assumed by this Department is believed to have produced the effect of withholding its agency, generally, in giving circulation to the obnoxious papers in the Southern States. Whether it be necessary more effectually to prevent, by legislative enactments, the use of the mails, as a means of evading or violating the constitutional laws of the States, in reference to this portion of their reserved rights, is a question which, it appears to the undersigned, may be submitted to Congress, upon a statement of the facts, and their own knowledge of the public necessity."

It is at all times (said Mr. S.) with pride and satisfaction, and I may add with confidence, that I refer to the opinions of the present Executive; but it is especially so on a subject so vitally interesting to so great a portion of the confederacy as the one under discussion. I have been thus liberal in quoting his (the Executive's) views, and from the report of the Postmaster General, in order to exhibit in one continuous chain the embarrassments which have arisen on this subject in the administration of the Government, especially in the Post Office Department, and also as evidence of the truth of the facts contained in these abstracts, stated upon these high authorities. The evidence is but too abundant, to my own mind, not only of the truth of these statements, but also of other facts originating from the same sources just referred to, of a character still more aggravated and alarming to the country, which have fallen within my own knowledge and observation. I must here be permitted to advert to a few of these facts, which I could wish were buried in oblivion, no longer necessary to be remembered, and which I would fain hope do not exist to the extent that is claimed by the abolitionists. Societies and combinations of individuals have, of late, been formed in some of the Northern States (as the societies themselves report) to "the number of three hundred and fifty, with daily accessions to the multitude who have embraced their faith;" in many instances possessed of wealth and influence, whose avowed object is the extermination of slavery in the Southern States; and if credit is due to their own statements, as contained in the report of one of their parent societies, "both males and females," "and a much larger number than is generally supposed of

clergymen of different denominations, and of other respected and influential individuals, are engaged in this cause." "Associations have been formed, meetings held, and addresses delivered; and that every day witnesses the formation of new anti-slavery societies." These associations have "resolved that slavery must be universally abandoned;" that, "as freemen and Christians, they cannot yield to intimidation from any earthly power;" and have solemnly avowed that "the truth is, there is no discharge in this war."—(First Annual Report of Executive Committee of the Maine Anti-Slavery Convention.) For the purpose of effecting their object, and facilitating their designs, these associations have established a system of rules for their government, and appointed officers and committees for the certain despatch of business. The plan of their operations, as partly exhibited by themselves in their various publications, is to issue, through the medium of their executive committees, their protests, manifestoes, and other documents, which are destined to be circulated through the slaveholding States, either by their agents travelling thither, or by means of the United States mails. They have also established presses at the common expense, and, for months, have been actively engaged in printing and disseminating into every quarter of the confederacy incendiary pamphlets, papers, prints, and publications, of a description well calculated to arouse the passions of the colored population, to imbitter them against their masters, and to excite them to domestic violence, insurrection, and bloodshed. These projects have already been characterized by consequences the most fatal and alarming. The planters of the South are unable to apprehend by what authority the abolitionists of the North have assumed to be the keepers of their conscience, and taken upon themselves the right to control the internal regulations and policy of the local Governments in the South. The agents of these societies have been every where in the South received not only with alarm, distrust, indignation, and contempt, but have been, in some instances where they have been found attempting to propagate the doctrines of the abolitionists, by tampering with slaves, punished at popular discretion. Instigated by these insidious commotions, insurrections among the blacks have been, of late, of frequent occurrence; terminating, in every instance, in the immediate execution of the insurgents. One instance of this kind has occurred since the convention of the present Congress, where two of these misguided fanatics, clothed with incendiary tracts and pamphlets, the implements of their faith, with fifteen of their colored converts, who had contemplated an insurrection in the State of Louisiana, have expiated their offence upon the gallows. Other instances, of a like character, might be adduced, to show the extent of the evil; but I will cease to relate facts so painful and revolting to my own feelings, and so likely to become fatal to the harmony, peace, and security of the sister States, and so ominous to the very existence of the Union itself. We are admonished by these facts, and by the crisis to which the circumstances of this subject are rapidly approaching, as well as by the scenes and example in the history of a neighboring island, that this subject has now assumed an importance demanding the solemn attention of Congress. And, before I proceed further, I beg leave to make a brief reference to the history of that ill-fated island, which, I hope, will not be altogether unprofitable here. It is there alone, in its connexions with French influence, that a parallel to the present posture of affairs in the American States can be found. The most striking similitude may be traced between the fanatical associations of the North, and the society which was instituted at Paris, in 1788, called Les Amis des Noirs, or "the Friends of the Blacks," which lighted the torch of slaughter and revolution in San Domingo. "This society" (says the historian) "seized every opportunity to declaim against the conduct of the planters, and the principles on which the slave trade was conducted; to expatiate on the sufferings of the slaves in the colonies; and to urge the necessity of a general abolition of the traffic and emancipation of the slaves." And again, "that this society was established for the purpose of ameliorating the condition of the black population in the West Indies." It it said that it "exerted itself so strenuously in the cause of what was (at first) deemed by the planters and their friends impracticable reformation," as to produce consequences which will be continued to be remembered with detestation and sorrow through the annals of succeeding ages. These societies were occasionally divided among themselves; and the better part of them retired disgusted from the scene; but the party which eventually proved most fatal finally prevailed, upon which the historian justly remarks: "There are enthusiasts in politics as well as in religion; and it commonly happens with fanatics in each, that a recantation of a few of their numbers serves only to strengthen the errors and the purpose of the rest." There is one incident in the history of this "benevolent association" that tends so much to give it character, and is so analogous to the sentiments of the present times, that it must not be omitted here. While, in 1791, amidst the general ardor with which the cause of the slaves was pleaded, a few (in their debates) attempted to stem the torrent by venturing to predict the ruin of the colonies, the celebrated Robespierre exclaimed, in reply, "perish the colonies, rather than sacrifice an iota of our principles." How like were the sentiments of this celebrated moralist, who, with his abandoned associates, Danton and Marat, reformed society by the guillotine, to the sentiments and opinions of the abolitionists which I have just repeated! They have "*Resolved*, that slavery must be universally abandoned; that, as freemen and Christians, they cannot yield to intimidation from any earthly power; and that the truth is, there is no discharge in this war."

But to return to our parallel. Thus were things, through the influence of this society and its affiliated associations, rapidly tending to a fatal consummation. Petitions and remonstrances were presented to the Assembly, in behalf of the blacks; appeals and addresses were made to the people; all France seemed interested in their welfare.

The proceedings of the society Les Amis des Noirs, and the general ferment that had been raised against the planters, were regularly transmitted from the capital to the inhabitants of San Domingo. Upon their arrival, the scenes of horror the planters were compelled to witness they already beheld in anticipation—their possessions consumed by fire, and territories covered with desolation. All classes of citizens, without regard to sex, were engaged in this "benevolent work," (as it was called,) and soon reaped a bloody harvest from their "pious efforts." At their instigation, the revolution at length broke forth in all its horror, succeeded by scenes too appalling to humanity to admit of rehearsal or description: their infants murdered, their women violated, the beautiful and flourishing island of San Domingo either wrapped in flames, or drenched in blood, and more than one hundred thousand victims, nine tenths of whom were the peculiar objects of the sympathies of these abolitionists, were immolated at the shrine of their fanaticism. This terrestrial paradise, (for all that the West Indies could boast was to be found in San Domingo in the highest state of perfection,) thus desecrated by fanatical dogmas, was deluged in blood and covered with ashes. This land, in which pleasure, wealth, and power, were the deities which once presided, is

now a wilderness. The lime tree, the citron, and the palm, and all the richest fruits of the tropics, have perished under the unskilful hands of the petty tyrants who have succeeded the revolution. To the same source may be traced the insurrection of the slaves at "Pointe Coupée," in our own country, where, as it is stated in the Essai Historique sur Louisiane, "fifty of the insurgents were condemned to death; sixteen were executed in different parts of the parish; the rest were put on board a galley, and hung at intervals all along the river as far as New Orleans, (a distance of one hundred miles;) which again restored peace and order to the country."

I have been thus circumstantial in my reference to facts, to enable me the better to show the true condition of the country; and that the doctrines of the abolitionists are not likely to be the less influential and dangerous among the slaves, on account of their position being at a distance from the authors of these operations. "Though oceans rolled between," and although the Parisian societies were slow in the commencement, they were nevertheless effectual, at last, in the ruin and overthrow of the French colony, and the destruction of the unfortunate blacks at "Pointe Coupée." Whatever may be the professions or opinions of the abolitionists, the slaves regard them as their friends, ready to buckle on their armor to join a holy crusade, to fly to their assistance on their first appearance "in this war from which there is no discharge." Such was the expectation of the slaves in San Domingo, until the first shock of the revolution confounded and astonished the society of "the Friends of the Blacks" at the madness and folly of their own deeds, and caused all France to stand aghast. But it was then too late to recede; the "torch and the sword," in awful union, had completed the work of desolation, and sealed the destinies of their unfortunate victims. Whatever may be the motives of the abolitionists; however pure, in many instances, as I would in charity admit; success, upon their plan, is impossible. Their exertions can have but a tendency to awaken the assassin or light the torch of the incendiary, and must terminate in the increased degradation and oppression, or final extermination, of the objects of their sympathies. The preaching of Peter the monk, "for the deliverance of the holy sepulchre," was scarcely more visionary, superstitious, and corrupting, or more destructive of the repose of the country; nor was the fanatical zeal of the crusaders of the eleventh century, to rescue it from the dominion of the barbarians, more misguided, or fraught with consequences more fatal to the peace and happiness of mankind, than these ill-judged efforts of the abolitionists are likely to prove in the American States. Already they have caused every traveller or emigrant from the non-slaveholding States to be viewed with coldness, suspicion, misgivings, alarm, and distrust, in the South. The work of death has already commenced. The condition of the slaves has been made immeasurably worse, either by their removal into sections less hospitable, and more deficient in subsistence, or by a curtailment of their privileges, and an increased rigor of oppression; and it may be fairly calculated that they have retarded all reformation on this subject for more than half a century. Yet I indulge the belief that many, very many, who have embarked in this cause, have been actuated by mistaken motives of benevolence and kindness, and are wholly ignorant of the true condition of this subject, and of the effect of their doctrines and practices in the South. Such, I would, in all brotherly kindness, admonish to recede from their present position, and abandon a project that must otherwise eventuate in circumstances calamitous and destructive of the happiness, prosperity, and amity, and even the Union of the States.

After this brief statement of historical and other undeniable facts, there can be left no doubt in the minds of any of a necessity for the interposition of legislative authority, from some quarter, in behalf of that portion of our citizens whose sacred rights to the enjoyment of their lives and property, and the common blessings of peace, have been, and are still, likely to be thus wantonly tampered with and jeoparded. Yet, how far it may be expedient or constitutional for the General Government to extend its protection over the citizens of the several States, so as to avert, if possible, the threatened evil, or to punish aggressors, is a question worthy of the gravest deliberation. The States have been, at all times, cautious to retain to themselves all the elements of sovereignty necessary for self-preservation, by express declarations of their will—first, in the old articles of confederation; and now, in the constitution of the United States. In the former, it was provided that "each State should retain its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which was not expressly, by that confederation, delegated to the United States in Congress assembled;" (art. 2 of the confederation;) and, likewise, in the latter, that "the enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people;" (amendments to the constitution, art. 9;) and, again: "the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people;" (amendments to the constitution, art. 10.) Having adverted to these declarations in the constitution, which must be borne in mind throughout this investigation, it becomes necessary to examine and see how far (if at all) the several States, in the act of Union, yielded up their power and sovereignty in relation to their preservation or defence of the rights which the people of the several slaveholding States then had, or now have, to property in slaves. It is believed, after the most careful examination of the constitution, that, in becoming members of the Union, the people of none of the States lost the interest or right which they had in slaves prior thereto; there being no grant of power as to this species of property made to the Federal Government in the constitution; that none of the States acquired any new rights, nor did any of them lose any power which they previously had over the subject of slavery within their limits, by the act of Union: that, on this subject, they continue to be, as they were before the adoption of the constitution, free, independent, and sovereign States, having full power to pass such laws or make such regulations as they may think proper or best to guard and protect their interest therein against open or insidious attempts, from whomsoever they may come, to violate or disturb the same. It does seem to me that, so far from the slaveholding States having lost any of their power or sovereignty over the subject of slavery within their borders, upon the adoption of the federal constitution, they were thereby recognised and confirmed; its security being one of the objects of the confederacy itself. So much was this kind of property regarded by the framers of the constitution, that it was expressly provided that three fifths of all the slave population should be represented on the floor of Congress; (constitution of the United States, art. 3, sec. 2.) It is also provided, in the same instrument, that the right of property in the master resident in a slave State to his slave shall be regarded in the several States: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due;" (constitution of the United States, art. 4, sec. 2.) It is very clear, then, as above remarked, there being no grant of power on this subject in the constitution of the General Government, but, on the other hand, an ex-

press recognition of its existence within the scope and control of the jurisdiction of the States, that all authority to act in relation to the same, both by implication and expression, is reserved to the internal police of the States; and that the General Government has no more power to invade the rights of property in a slave, than it has of that in land, houses, or the domestic produce of a State. Slaves, coming properly under the denomination of private property, can alone be made subject to the control of the Federal Government, as other private property, when it is bonafide required for the public use; as, for example, in the defence of the country, in case of invasion or the like, and then "not without just compensation;" "nor" (as expressed in the late report of the Postmaster General) "have the citizens of one State any more right to interfere with the subject of slavery in another State, than they have to interfere with the internal regulations, rights of property, or domestic police, of a foreign nation." The different States being altogether independent of each other, and relatively considered foreign States, with regard to every aspect that can be assumed for this subject, as well might the citizens of Massachusetts or Vermont take upon themselves the right to interfere with the levee wharves, or the private property generally, of the citizens of the city of New Orleans, in the State of Louisiana, as to tamper with the passions or the feelings of the slave population in that State, by sending inflammatory and incendiary publications among them. The former proposition would be much more reasonable and excusable, because fraught with infinitely less danger in its consequences. It may, then, be assumed, on constitutional grounds, that the respective States have the exclusive right to legislate and exercise jurisdiction in all cases touching the subject of slavery within their respective territories, and, in the exercise of these reserved rights, to pass such laws as will protect this interest, and insure the peace, safety, and happiness, of the people, by prohibiting, under severe and heavy penalties, either the printing or circulation of such incendiary documents or papers as shall have a tendency to excite the slave population to insurrection or disobedience to their masters within their respective borders.

Having premised this much, there remains but one inquiry for our consideration, which is contained in this single proposition: Has Congress the power granted in the constitution, either in aid of the State authorities, or in the exercise of its own legitimate jurisdiction, to prohibit, under penal sanctions, the use of the United States mails as an agent to forward the views of the abolitionists, by carrying their incendiary publications into the Southern States? On this proposition we should bestow all the labor and attention which our time will permit. Under other circumstances, I might have been satisfied to rest the basis of my opinions in relation to this branch of this interesting subject on the high authority of the Executive views, as illustrated in his very lucid arguments contained in the message, and the report of the Postmaster General; agreeing generally, as they do, in their reasoning, contained in these documents, touching this subject, with my own views and opinions.

But, as members of a co-ordinate branch of the Federal Government, it is incumbent on us to give our own interpretation of the constitution, so far as it should affect our action on this important subject.

I am fully aware of the responsibility that attaches to those who claim a right for the Federal Government to exercise a power which is controverted by others, and particularly when it is controverted by a respectable portion of those whose duty it has been to investigate the same subject with equal industry, care, and impartiality; and, further, that it devolves on those who hold the affirmative of this proposition, as it does in every other case where the right is claimed to exercise power by the Federal Government, to prove from the constitution that it grants the particular power sought to be exercised. This necessarily arises from a universal rule of legal construction, the nature of the federal compact, and, lastly, from express declarations contained in the constitution itself; which place the interpretation of the constitution on higher ground, and above all ordinary rules of construction. The Federal Government is the creature of all the States in the Union. The federal powers are derived from the constitution, and that alone. The Government of the United States can claim no powers which are not granted to it by the constitution, and the powers actually granted must be such as are expressly given; (Con. Rep. U. S. S. Co. vol. 3, p. 575;) and, consequently, the powers that are enumerated in the constitution, according to every rule of construction, are those alone that can be exercised by the Federal Government. This rule of construction is strengthened and confirmed, or rather so completely overreached, as to supersede the necessity of a reference to it in the practical operations of the Government, by express reservations of power in the constitution to the States and to the people; it being provided in the constitution, as above quoted, "that the enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people;" and again: "the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." These clauses of the constitution, it does seem to me, place the meaning of the parties to it, as to the proper method of its interpretation, beyond all cavil and controversy. The power, then, asked to be exercised by the General Government, must be sought in some express grant in the constitution; or it must be shown that it is necessary to carry into effect some express grant; or, in the language of Mr. Madison, "such power must be expressly delegated, or be both proper and necessary to carry into execution an express power, before it can be constitutionally exercised by Congress." It is, therefore, at this point of the investigation, necessary to make a strict examination into the powers granted in the constitution, and to recur to such articles in that instrument as it is believed have any bearing on the subject under discussion.

Among the powers granted to and duties imposed on Congress, by the federal compact, are the following: "To suppress insurrections and repel invasions;" (Con. U. S. sec. 8;) and to protect each of them against invasion, and, in certain cases, against domestic violence; (art. 4, sec. 4, Con. U. S.)

It is contended, with much plausibility, that sufficient power is granted, (as appears by necessary inference in these clauses of the constitution,) to justify the conclusion that the General Government ought not to produce, in its own action, the occurrence of those evils against which it is required by the sections just quoted to protect the local Governments; that they not only confer on Congress the power, but make it the duty of Congress to withhold the agency of any of the departments of the General Government from being accessary in bringing about a state of things in any of the States of the Union which it would be required by constitutional law to suppress; and that, if this negative power of prevention was not contemplated in its formation, the Federal Government would be exhibited in the strange attitude of affording facilities to hasten the perpetration of certain crimes and offences, which, when committed, it would be required by the paramount law of the land to redress; which would be absurd, not to say ridiculous. Yet I am aware that these conclusions are liable to some objection, and have already been controverted on the ground that "a power to act on a case when it actually occurs does

not include a power over all the means that may tend to prevent the occurrence of the case." I do not, therefore, choose to rest my convictions of the existence of the constitutional power in Congress to pass the proposed law, or to recommend its passage, upon the authority contained in these clauses of the constitution; sensible as I am that it is not a safe or constitutional rule for the Federal Government to act where the grant of a power is not express and clear, and where it is at all doubtful, or where it has its foundation in implication or construction. Authority to act in the present case, then, must be sought for elsewhere in the constitution. "Congress has power (also) to regulate commerce with foreign nations and among the several States;" (sec. 8, Con. U. S.) How far this grant in the constitution may have a bearing on the subject under discussion is not very apparent, nor do I undertake to affirm its extent. Its provisions, as to the power for which we are seeking, may be liable, in some degree, to objections similar to those against the power contained in the clauses above referred to. It is, however, very notorious that the generally accepted meaning of the word "commerce," as used in the constitution, is taken, with its adjuncts, to confer on Congress the power to regulate the interchange or mutual exchange of goods, wares, merchandise, and produce or property of any kind, between the United States and foreign nations, and between the several States. The same term is also used to convey the idea of reciprocal communications of any kind, and the intercourse, generally, between individuals. It is also said that "commerce, in its simplest signification, means an exchange of goods; but, in the advancement of society, labor, transportation, intelligence, care, and various means of exchange, become commodities, and enter into commerce; the subject, the vehicle, the agent, &c., become the objects of commercial regulations;" (Cond. Rep. S. Co. U. S. vol. 3, 589.) And again: "Commerce undoubtedly is traffic; but it is something more—it is intercourse;" (idem, 567.) And is it not in this latter sense, and by virtue of the power conferred in this clause, that the Federal Government regulates the intercourse between the citizens of the United States and foreign Governments? Without this grant of power in the constitution, this right to regulate the intercourse between the citizens of each of the States and foreign Governments would be reserved, exclusively, to the respective States. If, under this grant of power in the constitution, Congress has the right to regulate the intercourse between the citizens of this Government and foreign nations, is not the same power bestowed on Congress as to the regulation of the intercourse between the citizens of the several States? "The language which grants the power as to one description of commerce, grants it as to all;" (idem, 588.) If so, is it not competent for Congress to regulate all commerce and intercourse of every kind, between the States and the citizens of the several States, except where the above grant of power is limited in other parts of the constitution? The same authority holds that "this power to regulate commerce is general, and has no limitations but such as are prescribed in the constitution itself." Again: "that the power to regulate commerce extends to every species of commercial intercourse between the United States and foreign nations, and among the several States. It does not stop at the external boundary of a State;" (idem, p. 562.) And has not the practice of the Federal Government been predicated upon this principle, from its formation forward to the present time? And does not this view of the power granted in this clause of the constitution recognise in the General Government the power to regulate the intercourse between the several States, and the citizens of the several States, that is carried on through the agency of the mails? If it does not, does this power belong to the State Governments? It is apprehended that this will not be contended. It is, however, unquestionably true that each State has complete power to regulate its whole internal commerce; this may be considered one of its reserved rights, or a right that existed anterior to the constitution, and that never has been yielded up by the States.

But can one State take cognizance of the acts of a citizen of one of its co-States, committed against its rights, or to the prejudice of its internal police, however aggravated it may be, beyond its limits? Can it call on the Government of its co-State, where the offence is committed, by negotiation or otherwise, and demand a redress of the grievance complained of; or demand the citizen of another State, who had committed an offence in the latter State against the State making the demand, to be delivered up to be punished by the laws of the State within the jurisdiction of which the offender had never been? If it be so that the respective States could not do one or the other of these acts, (which it is believed they could not,) does it not follow that these powers have been trusted by the federal compact in the Federal Government? If they be not in the respective States, they must be in the General Government; for the respective States were originally sovereign, and have parted with none of their sovereignty or nationality, except so far as they have done so by the delegation of power in the constitution of the United States to the United States.

If this position were not correct, the several States would be in a state of less security, and more defenceless, in this particular, than they were before the formation of the Federal Union; for each State would be wholly unprotected, in a certain class of cases, against the violence of the citizens of its sister States, which could not have been intended or overlooked by the framers of the constitution. But it is said, in answer to this, that it is provided in the constitution of the United States that "the citizens of each State shall be entitled to all the privileges and immunities of the citizens in the several States." No deductions, it is presumed, can be drawn from this article of the constitution to contravene the above conclusions; for this clause cannot confer higher privileges or immunities on the citizens of one State in another State than the citizens themselves in the latter possess; and it is conceived that the privileges and immunities here conferred can only be enjoyed when the party desiring to exercise them brings himself within the jurisdiction of the latter State. Or this clause of the constitution may more properly be understood to mean, that the citizens of each of the States, under similar circumstances, shall be equally entitled to all the privileges and immunities flowing from the action of the Federal Government. It has been said, and very properly said, that "the constitution of the United States was designed for the common and equal benefit of all the people of the United States;" (Cond. Rep. S. Co. U. S. vol. 3, 596.) But I shall pursue this branch of the subject no further; it is not necessary for our purposes, in this particular instance, to resort to doubtful or constructive powers; there being an express grant of power in the constitution, which, with its incidents necessary and proper to carry it into execution, fully embraces the object provided for in this amendment, and recommended by the President: "The Congress shall have power to establish post offices and post roads;" (Con. U. S., sec. 8;) and, according to Mr. Madison's construction, which I have adopted, and according to the constitution itself, such other "power as shall be necessary and proper for carrying into execution the foregoing power," expressly granted in this clause of the constitution; (Con. U. S., sec. 8;) such as to keep up and continue post offices and post roads, when established; to prescribe and regu-

late the mode of carrying the mail thereon; to determine the rates of postage, or whether any at all shall be charged or not; to prescribe the mode of the appointment of all the officers necessary to carry into effect the above objects; to define their duties; and to punish all offences committed against the Post Office Department, and the laws regulating the mail transportation, in the United States courts. These powers have been continuously exercised by the Federal Government ever since its formation up to the present period of time, without any claim having been set up by the State authorities to participate therein. This is a very persuasive, if not a conclusive argument, going to establish the right of exclusive jurisdiction over this branch of the public service in the Federal Government. The whole course of legislation on this subject shows that the power of Congress has been universally understood to comprehend this entire subject. When I speak in these general terms, I wish to be understood to mean that this exclusive right to jurisdiction is over the United States mails, and that only whilst the General Government shall choose to exercise this power. And I may here very properly adopt the language of Justice Story, while examining another subject of jurisdiction nearly allied to the one under consideration: "In discussing the question whether the power is still in the States, in the case under examination, we may dismiss from it the inquiry whether it is surrendered by the mere grant to Congress, or retained until Congress shall exercise the power. We may dismiss that inquiry, because it has been exercised, and the regulations which Congress deemed it proper to make are now in full operation. The sole question is, can a State regulate this power while Congress is regulating it?" And again, in a case analogous to this, it was held that the power of the States, as to that subject, "must be at an end, so far as the United States have, by their legislative act, taken the subject under their immediate superintendence;" (Cond. Rep. U. S. S. Co. vol. 5, 591.) Yet, how far the respective States might carry on and regulate a system of mails, to operate exclusively on their own citizens, and within their own limits, it is not necessary here to consider. But it seems to me evident that they could not exercise this power beyond their own limits and the rights of their own citizens, so as to operate on the rights of citizens of other States; and, consequently, their legislation could not reach and punish such acts as would cause obnoxious and dangerous publications to be transmitted through the public mails into their respective territories, if such acts were committed beyond their limits. This being a part of the commerce "among the several States," and of the regulations of the General Post Office Department, it seems to me it must be left for the action of Congress. Under the state of facts above described, and the powers of the Federal and State Governments, as above reviewed, have we assigned in the amendment the regulation of the quality of the documents or papers which are, by its provisions, to be prohibited from the mails, in certain cases, to the proper authorities. The amendment defines the publications that are to be prohibited from the mails, as far as the action of the General Government is to be concerned, for the purpose of showing the ultimatum to which this Government will interpose its protection in behalf of the slaveholding States, in reference to the agency of the mails.

But the practical operation of the law contemplated in the amendment will depend upon the concurrent action of the States in which it is designed to operate. This, it does seem to me, concedes all that those who contend that the *vis vitæ* of power, which once existed in the States on this subject, is not extinguished by the past and present action of Congress, and that the jurisdiction of the General and State Governments on this subject is concurrent, could desire. It might be contended, with much force and reason (if it were necessary for our purposes) in this particular case, that the right to determine what shall be carried in the United States mails belongs to that Government, "to which the great trust is confided of preserving inviolate the relations created among the States by the constitution," and which has been hitherto held to be competent to punish all offences against the mail regulations; to regulate the rates of postage; to tax some of its citizens for the use of the mails, and to exempt others from any charge for like privileges; and to determine the size or weight of the documents or papers that shall be carried in the mails; all of which Congress has already regulated by law.

From the existence of this state of facts, is it not fair to conclude that Congress is equally competent to prescribe and define the quality of the papers or documents that shall be privileged to this mode of conveyance, provided that the rule be uniform, so that the citizens of each State shall be entitled (in this particular case) to all the privileges and immunities of the citizens of the several States? It is believed that this position cannot be successfully controverted, at least when it is first to meet with the approbation of the States where it is designed to operate, as provided for in this amendment, and especially on the subject which it contemplates. But this position is objected to, on the ground that it might form a precedent that would lead to the abuse of this power. To the first part of this objection I reply, that the subject of slavery, as it exists in this country, is *sui generis;* its existence in the States is provided for in the constitution of the confederacy. Every thing that pertains to it is peculiar and distinct from the relations that exist with regard to other property; and no action touching this subject, as far as the intercourse of the States is concerned, can be held as a precedent on the subject of other property. As to the remainder of the objection, I answer, in the language of an eminent judge, that "it is always a doubtful course to argue against the existence of a power, from the possibility of its abuse;" for it matters not wherever power may be vested, it is susceptible of abuse. On the other hand, if the power to define the subject-matter and the quality of the publications which are to be privileged to transmission by the United States into or over the territories of the respective States is trusted to the States alone, (as is warmly contended by some,) will it be less objectionable, or less likely to be abused? Would it not amount, at once, to a virtual surrender of the jurisdiction of Congress over this channel of intercourse and intercommunication between the several States, and between the General Government and the States, which, together with the people of the respective States, are the constituents of this Government? Because, if the States can exclude from the United States mails one description of publications, they could exclude others; and it would follow, as a consequence, that the mail regulations would, in a short time, be as diversified and multifarious as the different local interests and sectional prejudices of the several States. And would not such a construction, in the end, destroy all the objects of the Department? Could, then, such a reservation of power to the States have been intended by the framers of the constitution? It is apprehended that such could not have been the intention.

The jurisdiction of the respective Governments is complete, so far as exercised by either, in pursuance of the constitution. As Mr. Madison has well observed, "The Government of the United States, created by the constitution, is as sovereign within the sphere of its powers as the Governments created by the constitutions of the States are sovereign within their several spheres." Finally, it does seem to me, from the force of the grants

of power in the constitution which we have enumerated, and from the constant usage and practice of the Government for more than half a century, that it may be safely concluded that all the concerns of the Post Office Department, in its diversified and complicated operations throughout the confederacy, are committed to the wisdom and control of Congress; and that it is the duty of Congress, so long as it shall continue to exercise this power at all, to carry into execution the objects of its institution.

The design of this Department, says the President, "was to foster an amicable intercourse and correspondence between the members of the confederacy." When, therefore, particular privileges connected therewith, which have been extended to the citizens of the United States, have been abused, or found by experience to be subversive of the ends which they were designed to promote, is it not within the power of Congress to curtail and regulate those privileges, so that they may be promotive of the object and designs for which they were instituted? Nothing, it does seem to me, can follow more irresistibly than the conclusion that Congress is entirely competent to do so.

I shall briefly notice one other objection which has been raised to the exercise of the power for which I have been contending, and I shall have done. It is said in a late incendiary publication, styled the "Protest of the American Anti-slavery Society," that "the law recommended to be passed in the late message of the President of the United States, for the regulation of the concerns of the Post Office Department," is ominous to the freedom of the press. This objection has since been followed up and reasserted by others; and is now insisted on in committee by a gentleman from Vermont, [Mr. HALL;] a source so respectable as to entitle it to some consideration in this discussion. No right is better guarded in the constitution, or more justly dear to the American people, than the freedom of the press. The press, with all its sins upon it, in this country, must still be preserved free and untrammelled. It is the life of intelligence—the guardian of liberty; it is identified with our institutions, and should be cherished with vestal vigilance. But how is it connected with this subject? How does the recommendation of the President affect this ancient, prescriptive, constitutional right? After giving to this objection my most careful and serious attention, I am wholly unable to see how the denial of the use of the mails to citizens of one of the States of the Union, to enable them to carry on a discussion, addressed to the passions of domestic slaves, within the borders of another State—the subject being of acknowledged local jurisdiction, the discussion insurrectionary in its tendency, in the opinion of Congress, and forbidden by the sovereignty of the State into which the obnoxious paper-arguments are sought to be transported through the agency of the mails—can be distorted into an abridgment of the freedom of the press. It in no way interferes with the right of freely printing, publishing, and circulating, at their own risk, cost, and responsibility, such arguments or sentiments as they shall think most proper and expedient. Sir, an entire *cesser* of the use of the Post Office Department, as it seems to me, could not affect this right, in the sense in which it is protected in the constitution; much less can the withholding of its agency, by a uniform rule, on the particular subject alluded to, so as to thwart the most unworthy purposes, be regarded as affecting it. So well convinced am I of the correctness of this position, that I am satisfied, for the present, on the mere statement of the proposition, to trust the conclusion to the wisdom of Congress and the intelligence of the American people. This Department was designed to confirm and strengthen the bonds of the Union, by fostering "an amicable correspondence between all the members of the confederacy." And if the public functionaries should, at any time, be so far forgetful of its object as to lend its aid to the subversion of these purposes and principles, they would be culpably amenable at the bar of their country, and faithless to posterity. I am now done. But, before I take my seat, I beg leave to say, that I trust, in the future discussion of this subject, (if future discussion there shall be upon it,) we will not again hear it urged, as has already been done, when another branch of this subject was under consideration, that the abolitionists should not be opposed, because they are actuated by the dictates of religion. Sir, I believe in pure religion, but I have no faith in a fanaticism which is ever ready to gainsay "the powers that be," and that seeks to rule the political destinies of the nation. I had hoped, and I yet hope, that "divine right" had ceased to be a "good plea" throughout all America, and especially within these walls, in sight of the star-spangled banner, and under the proud wing of the American eagle! [Pointing to the American flag and eagle in the hall of the House of Representatives.]

When Mr. SHIELDS had concluded,

Mr. HALL said that his great anxiety to obtain the final action of the House on the two important bills reported by the Post Office Committee, to the consideration of which only the present day had been assigned, would prevent him from long detaining the committee. But he felt it his duty to submit a very few remarks before the vote was taken on the amendment. He concurred in one of the leading positions of the gentleman from Tennessee, that the States had full power to pass such laws as they thought proper in regard to slavery within their respective limits. He would inquire if the States had exerted that power in relation to the publications of which the gentleman complained? The States, doubtless, had full power over these publications the moment they left the Post Office; and in a matter so peculiarly within the province of State legislation as was the subject of slavery, he thought it incumbent on the States, before coming to Congress for relief, to show that they had put their own powers in requisition, and that they had proved ineffectual. The power of the States was clear and undeniable. No man could seriously contend that the power of this Government was of that character. All must concede that it was at least a doubtful power. And yet we are called upon to exercise the power of this Government before the States have tried theirs. This, with him, would be a sufficient objection to the amendment, if there were no others.

Mr. H. said he would not notice the details of the amendment, or submit any argument on its particular provisions. He objected to it on constitutional grounds, and was opposed to all legislation on the subject, in whatever form it might be presented. He held that any legislation on the subject would be a direct violation of that clause of the constitution which prohibited Congress from making any law "abridging the freedom of the press." He held that the restrictive clauses of the constitution were coextensive with the whole instrument, that they set limits and boundaries to all the conferred powers, which could, under no circumstances or on any pretence, be passed without a violation of the constitution. The gentleman from Tennessee claimed his authority for legislation under the power to establish post offices and post roads. Neither that power nor any other could be so exercised as to intrench upon the liberty of the press. He (Mr. H.) admitted that Congress, under its Post Office power, might prescribe the weight, the bulk, and the form of packages to be carried in the mail; but the moment Congress undertook to look into publications, for the purpose of ascertaining the sentiments they were designed to inculcate, or to see if the

sentiments were properly expressed, that moment Congress invaded the jurisdiction of the press, and was treading on unconstitutional ground. This was no new doctrine. It was the old republican doctrine of '98, the doctrine of Mr. Madison in his report to the Virginia House of Delegates; a doctrine which denies any power in Congress to make any law in any manner touching the press--any power to express a legislative opinion of the characters and tendency of its productions. And did not this amendment express such legislative opinion? Certainly it did. It determined the character of certain publications to be incendiary, and made their mail circulation a crime; and the principles of this legislation extended to publications on other subjects as well as that of slavery. It included all subjects, whether moral, religious, or political. It was in vain to attempt a distinction. The ground on which the gentleman had sought to justify his proposed legislation was, that it was a means of preventing insurrection. Precisely the same process of reasoning which would allow Congress a power to determine what publications would have a tendency to instigate a servile insurrection, would admit in the same body a power to determine what publications would have a tendency to excite a political revolt, and concede the like authority to suppress their circulation.

The principle which the adoption of this amendment would establish would enable Congress to go on legislating until but a single political newspaper or religious periodical, which met the approbation of Government, should have the advantage of a mail circulation. Mr. H. said he could not but express his surprise that Southern gentlemen, who have been educated in the school of Jefferson and Madison, should, even under the excitements produced by the abolition question, seem ready so soon to abandon the great landmarks of the constitution established by their fathers, and for the purchase of, at best, but a doubtful benefit, consent to the assertion of a principle fraught with such dangerous and alarming consequences. He would not believe that Southern gentlemen themselves were, to any considerable extent, prepared for such a measure.

Gentlemen should consider that, when the principle was once established, an unlimited power over the whole periodical press of the country was surrendered to the General Government. Unless publications could be circulated, the printing of them was entirely useless. The Post Office power belonged exclusively to the General Government, and, under it, Congress possessed the most perfect control of the whole regular circulation of the country. Neither a State nor an individual could carry on the business of such circulation contrary to its will. Congress, therefore, exercising the authority to judge of the character of publications, and of monopolizing their circulation, would have it completely in its power not only to abridge the freedom of the press, but completely to overthrow and destroy it. He would not believe that gentlemen were ready to establish such a principle. He could not conceive there was any possible danger that the amendment would be adopted, and he would not detain the committee with any further remarks.

The question was then taken on the amendment, and it was negatived without a count.

Mr. MANN, of New York, moved to add the word "money," in the clause prescribing what the postmasters should receive free of postage and frank. Agreed to.

Mr. REED moved an additional clause, providing that no tax should be paid, directly or indirectly, by any individual having the accommodation of private boxes or pigeon-holes at the post offices, to the postmaster of said offices, but that said box or pigeon-hole should be constructed at the expense of the individual requiring it, and that he should pay one dollar per annum to the Government therefor.

After a few remarks from Messrs. REED, McKIM, MANN of New York, HARPER of Pennsylvania, ASH, WARDWELL, CONNOR, BRIGGS, and PEARCE of Rhode Island,

Mr. UNDERWOOD suggested a substitute for the amendment, providing that no rent whatever should be charged for any box or pigeon-hole by any postmaster or deputy postmaster, but that they should be constructed at the expense of the Post Office Department.

Mr. REED accepted this in lieu of his own.

After a few words from Messrs. PARKER, REED, JOHNSON of Louisiana, MANN of New York and HARLAN,

The amendment was rejected.

Mr. BELL moved an amendment, to come in as the first section of the bill, providing that the President, by and with the advice and consent of the Senate, should appoint three commissioners, at an annual salary of $3,500 each, and who should hereafter perform all the duties of the Postmaster General, and that the act authorizing the appointment of the Postmaster General be repealed.

Mr. B. said his object was to diminish the vast power accumulated in the hands of the head of the Post Office Department, and he should, as long as he had a seat there, attempt to contract the influence of that officer, either by this measure or by the one which he indicated yesterday.

The motion was rejected.

Mr. WILLIAMS, of North Carolina, proposed an amendment to the 24th section, providing that, in addition to the penalty of being dismissed from office, any person employed in the Post Office Department, who shall become interested in any contract, should also be liable to pay as much as would have been realized by said contract, to be recovered as an action of debt in any court having jurisdiction over the subject, &c.

Mr. CONNOR said it met his, as he believed it would the committee's approbation.

The amendment was agreed to.

Mr. UNDERWOOD moved an amendment providing that if any person, having the franking privilege, shall make use of it for the purpose of enabling other persons to evade the payment of postage, shal lbe punished with fine and imprisonment.

Mr. WISE hoped the gentleman would embrace a provision making it an impeachable offence for a President of the United States to frank pamphlets and papers, for the purpose of promoting the election of a successor to the presidency.

The amendment was not agreed to.

Mr. CAVE JOHNSON proposed an amendment providing that the clerks embraced in the bill shall be in lieu of all the clerks employed at present in the Post Office Department, under former acts of Congress; which, after a few words from Messrs. C. JOHNSON, CONNOR, MANN of New York, and BRIGGS, was withdrawn.

Mr. GARLAND, of Louisiana, offered an amendment providing that the Post Office Department should be open for the transaction of business for ten hours in the winter and twelve in the summer. Rejected.

Mr. HARLAN moved an amendment providing that in every case of dismissal by the Postmaster General he should file the reasons therefor, &c. Rejected.

Mr. CAVE JOHNSON moved the following in lieu of the 19th and 20th sections of the bill: "One Chief Clerk, $2,400; one Assistant Postmaster General, $2,100; four clerks, each $1,800; ten clerks, $1,500; thirty-five clerks, each $1,200; twenty-three, each $900. Rejected.

Several other amendments were moved and lost, and the bill was laid aside.

POST ROUTE BILL.

The committee proceeded to the consideration of the bill for the establishment of certain post routes, and to alter and discontinue others.

The bill was read by sections, and many amendments were made, until the hour of seven o'clock, when the committee rose, and reported both bills to the House.

On motion of Mr. MANN, of New York, the further consideration of these bills was assigned for Thursday next, at 11 o'clock.

[Pending the consideration in committee of the mail route bill, the Speaker momentarily resumed the chair, and, on motion of Mr. LEWIS, the House agreed to a second joint committee of conference, on the disagreeing votes of the two Houses upon the amendment of the Senate to the bill authorizing the President to accept the service of volunteers; and a committee was appointed on the part of the House.]

The House then adjourned.

SATURDAY, MAY 21.

ABOLITION REPORT.

The House resumed, as the unfinished business of the morning hour, the consideration of the report and resolutions from the select committee to which were referred the memorials on the subject of the abolition of slavery in the District of Columbia.

The question being on the motion of Mr. ROBERTSON to recommit the report to the same committee, with instructions to report a resolution, declaring that Congress has no power, under the constitution, to abolish slavery in the District of Columbia and in the Territories of the United States—

Mr. ROBERTSON, who was entitled to the floor, again addressed the House; but gave way, without concluding, for the orders of the day.

FLORIDA WAR.

On motion of Mr. WHITE, of Florida, the rules having been suspended for the purpose, the House went into Committee of the Whole on the state of the Union, (Mr. PHILLIPS in the chair,) on the "bill to provide for the payment of expenses incurred and supplies furnished on account of the militia received into the service of the United States for the defence of Florida," reported from the Committee on Military Affairs.

The bill having been read,

Mr. WHITE moved to amend it by adding a new section providing for the payment of the volunteers called into service by Generals Clinch and Hernandez.

After some conversation, in the course of which Mr. WHITE explained that those volunteers were supposed to have been provided for under a former act, but under the construction given to the act by the Department, they could not be and were not paid.

Mr. GLASCOCK moved to amend the amendment so as to embrace "such other militia and volunteers as have been received and mustered into the service of the United States and regularly discharged."

Mr. HAWES said he would not pay any volunteers who went home refusing to fight.

Mr. GLASCOCK said his amendment was guarded in that respect.

Mr. HAWES was not satisfied with that provision, and also wished to be informed as to the amount of money called for by this bill.

Mr. WHITE said the amount of money could not be a matter of consideration, as the bill merely proposed to pay expenses which have been incurred. The small number of troops who left the service after being mustered into it, in consequence of a disagreement with their commanding officer, were not embraced in the bill or the amendments.

The motion of Mr. GLASCOCK was agreed to.

And the section, after being further amended, on motion of Mr. GARLAND, of Louisiana, was agreed to.

Mr. MARTIN moved to amend the bill by adding to it a new section, providing for the payment of all reasonable expenses of the volunteer companies which marched to the seat of Government of the State of Alabama, at the call of the Governor of that State, and were not received or mustered into actual service, because the number required was made up before their arrival.

Mr. E. WHITTLESEY objected to the motion, on the ground that the proposition had not been submitted to and approved by the Military Committee. The case was not of a new description; similar claims had been made upon Congress, and rejected.

Mr. MARTIN replied to these objections; and, after some remarks from Messrs. MERCER, MARTIN, LAWLER, HUNT, SPEIGHT, and WHITE,

Mr. MARTIN withdrew the proposition, stating that he would offer it in a separate form.

Mr. MASON, of Ohio, made some objections to the hurried manner in which these bills were passed, and asked for some explanations, which were made by Mr. WHITE.

The committee rose and reported the bill as amended.

Mr. JARVIS rose, he said, not to oppose the bill, but to dissent to the manner in which it had been brought before the House. He would say that the communications from the Executive Departments on these subjects ought to come directly to the House. But they were made either to a committee, or, as in this case, to an individual who was not a member of any committee, at whose instance a bill is called up and hurried through, upon information not previously communicated to the House. The House would be wanting in self-respect if it sanctioned this proceeding. He wanted to know how long this system was to continue. If it was made permanent, this House would have nothing to do but to register the edicts of the Executive, and not the supreme Executive, but of the subordinate Executive Departments. He did not mean to intimate, however, that the Secretary of War had intended any disrespect to this House by the course he had adopted, but he protested against it as improper and irregular. He concluded by moving that the bill and amendments be recommitted to the Committee on Military Affairs.

Mr. SPEIGHT spoke in opposition to the motion, and Mr. HAWES in its support.

Mr. JARVIS read a passage from the rules of the House, requiring all subjects relating to military affairs to be referred to the Committee on Military Affairs.

Mr. SPEIGHT said he was much pleased with the modest rebuke given to the committee by the gentleman from Maine; and he would ask if that gentleman had not, as chairman of the Committee on Naval Affairs, frequently received communications from the Department, and brought in bills in consequence of the information received. He (Mr. S.) considered it a common practice, though now the House was lectured, for the first time, upon their manner of doing business, because, upon written communications from the War Department, they had undertaken to bring in a bill for the necessities of the public service. He would undertake to say that not one instance could be found, since the establishment of the Government, when such a communication had been made through the Speaker of the House. If this practice was a departure from the rules, he would have gentlemen bring in an amendment to the standing rules, to provide that no committee shall receive a communication from any Secretary. The bill before the House had been reported by the Committee

on Military Affairs; had been before the House more than a month; and when it was called up by the gentleman from Florida, and he moved an amendment to cover ground not embraced in the original bill, it was met with the objection that it had not been brought properly into the House.

Mr. JARVIS said, if the gentleman meant by his question, whether he had received communications and brought in bills upon subjects originally proposed by the Departments, he had not. He had received many letters, and the committee had written more than a hundred, but it had always been upon subjects previously referred in the House. He said he should doubt if the committee had the right, under the rule, a part of which he read.

Mr. HAWES was in favor of a recommittal; and he thought, if the House wished to do business properly, they would recommit the bill. He understood that the communication on the subject had been sent by the Secretary of War to the chairman of the Committee of Ways and Means, and had been by him handed over to the chairman of the Committee on Military Affairs. He thought this was a still greater irregularity than had been alluded to; and he did not know that any committee of the House was empowered to determine what particular committees should act upon the business of the House. He thought that was a question to be decided by the House itself.

Mr. CAMBRELENG said that it had always been customary, when a communication was made by mistake to the Committee of Ways and Means, upon which they had no power to act, to hand it over to the proper committee, and notify the Department of the fact.

Mr. HAWES said that was just the particular he complained of. If the committee was to judge what committee shall act upon particular business, he for one would not agree to it.

Mr. GRANGER tendered his thanks to the gentlemen from Maine and Kentucky, for the independence with which they had spoken upon the subject. The members of the minority were not allowed to call attention to such things; they were not allowed to complain of the irregularity with which business is transacted and hurried, without being accused of being actuated by motives of private or political cavil. By this bill the House was called upon to provide for war, to furnish the means of carrying on a war with the Creek Indians. What information had the House? None, but mere rumors, newspaper reports, or private letters. Not one word had been received through the proper channels of information. The House could tell nothing of the treaties which had been made, of the action of the officers of the Government in their execution, nor judge of the honor or disgrace which might arise from the contest.

He would ask if any thing in the history of this Government, or of any other but a limited, absolute monarchy, could show a precedent, in which millions upon millions were demanded to be expended in war, and that without a word of information as to the cause of the hostility. He was willing, however, in this case, in consequence of the statements made by members of the House, to vote for this bill, even without reference to the committee, notwithstanding the Government have not condescended to inform the House of the state of the Union in this respect, and notwithstanding there was no communication from the Government to show upon the records of the House, or elsewhere, that there is a war. He concluded with again thanking the gentlemen who had objected to this manner of urging business through the House; and with congratulating the House that there were among the majority some men independent enough to protest against this informal, dangerous mode of legislation.

After some observations by Messrs. PARKER, EVERETT, and CAMBRELENG,

Mr. WHITE said he must express his astonishment at the course taken by gentlemen on the question. If their appetite had been whetted upon this as it is upon political subjects, they would have had a communication sent more than three months ago by the Executive, and laid upon every member's table, stating all the correspondence with the official agents of the Government, and the causes of the war. It was new doctrine to him that the House was obliged to wait in its action for executive communications, or that an individual was not to move an amendment to a bill without previously referring it to a committee. He had been informed that these troops were not paid, and were suffering for aid from the Government. He went to the Secretary of War, and found that by his construction of the law they could not be paid. He went to the committee, and found a bill reported which did not cover the whole ground. Then, what was the duty of a representative, against whose constituents the tomahawk and scalping-knife were raised, within twenty miles of the capital of the Territory? These men had been in the service. They were intended to be provided for, but, by the construction of the Department, they are not paid. And when he, upon a bill to pay the troops of Georgia and South Carolina, moved an amendment to pay these troops, and to correct an error, gentlemen who come far from the scene of danger, against whose constituents the tomahawk and scalping-knife are not raised, become exceedingly cautious and dignified, and jealous of the dignity of the House, and read a moral lecture upon the duty of heads of Departments and chairmen of committees. Mr. W. read several letters to show the distress of the people involved in the danger of this war, and the great relief that would be afforded, even by the payment of the small sum due to them for their services from the Government.

Mr. BELL said he should not oppose the appropriation, but he protested against having the tomahawk and scalping-knife held up to his fancy to force down any appropriation which any gentleman, or a committee, or one branch of the Government, might choose to ask; and he insisted that it was the duty of the Government to make executive communications, and to leave the proper responsibility upon the executive department. He also urged that the proper and parliamentary course was to commit so important an amendment to one of the standing committees of the House.

After some further arguments from Messrs. JOHNSON of Kentucky, GRENNELL, and LINCOLN,

Mr. WARD said he regretted that there was not a quorum present, so that the question could be taken. He would not detain the House with any remarks; but he felt that, being a member of the Committee on Military Affairs, which reported the bill, and which, as it had been alleged, had acted in this instance without authority, he should do injustice to himself, as well as to other members of the committee, if he remained silent. The gentleman from Maine, he said, had moved to recommit the bill to the Committee on Military Affairs, by which it had been reported. What was the bill as it was originally reported? and what was the reason for which the gentleman wished it recommitted? The bill, he said, simply directed the Secretary of War to cause to be paid the expenses that have been incurred, and the supplies that have been furnished, in the States of South Carolina, Georgia, Alabama, Louisiana, and the Territory of Florida, on account of the militia received into the service of the United States for the defence of Florida, provided that the accounts for these claims be examined and audited at the Treasury, as in other cases.

[Here Mr. JARVIS said it was not his wish to have the

bill recommitted, but the amendment offered by the gentleman from Florida.]

Mr. Ward said he was gratified that the gentleman made that explanation, for he had thought, from the authority he read at the commencement of his remarks, that it was because the subject had not been properly referred to the committee.

The rule which the gentleman adverted to, a part of which only he read, is as follows:

"It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defence, which may be referred to them by the House, and to report their opinion thereupon; and also to report from time to time such measures as may contribute to economy and accountability in the said establishment."

Mr. W. said he conceded to the gentleman, that, as regarded the first branch of the rule, it did require a matter to be referred in the first instance to the committee, either upon presenting a petition or resolution to the House, or otherwise; but under the latter branch of it, which authorizes the committee to report from time to time such measures as may contribute to economy and accountability in the military establishment, (and such was this bill,) the committee may take the subject into consideration and report a bill without such reference. But the gentleman had disclaimed a wish to have the bill recommitted, and only referred to the amendment of the gentleman from Florida. That being his wish, could not he attain the object by other means? The amendment was adopted in Committee of the Whole. Now, if the House should refuse to concur with the committee in their amendment, then the bill may be directed to be engrossed, and the subject of the amendment referred to the committee for their action and report. He thought, however, that the House was as ready to act now, and was as well acquainted with the subject, as it would be after it should have been referred to the committee, and by them referred back again to the House.

On the 22d of April last the bill was reported to the House. It was not, as had been said by the gentleman from Massachusetts, [Mr. Lincoln,] an appropriation bill. It was simply explanatory of an appropriation bill already passed, and made no appropriation whatever. What, he asked, was the amendment proposed by the gentleman from Florida? It was, if he understood it as he heard it read, that the troops ordered out, not by the Department of War, but by Generals Clinch and Hernandez, and the Governor of Florida, and regularly received into the service and mustered, and duly discharged, should be paid for their services. In consequence of the distance of the seat of war from this place, it was impossible to communicate to the Government, and get orders for calling out the troops in season, to protect the frontier—he would not say against a savage foe, because gentlemen disliked to hear on this floor, on an appropriation bill, any reference to them, or to their scalping-knives or tomahawks having been raised against our defenceless inhabitants on that frontier—but he would say, with the permission of those gentlemen, that we do know that the Indians rose in arms; and before it was possible to communicate with the Secretary of War, to obtain the requisite order under the law which provides for calling forth the militia for the defence of the country, it was necessary to order out forces, which promptly repaired to the scene of hostilities. These facts had been made known to the committee by the Governor of the Territory, by the Secretary of War, and by the gentleman [Mr. White] who represents the Territory in this House.

He said the remarks of the gentleman reminded him of an anecdote, which, with the permission of the House, he would relate. A Frenchman was passing by where a man was drowning; he said he was sorry he was not acquainted with him, because he could save his life; but the man must drown, because he had not been introduced. It seemed here, he remarked, that these troops who had been ordered out, mustered, and regularly discharged, could not be paid for their services because the bill had not been properly brought before the House; because they had not been properly introduced.

Was it to be said, that when a bill was reported, and before this House, that amendments could not be proposed, without having them sent to a committee? Such a doctrine was unheard of before. It was unheard of, that any amendment to a bill could not be proposed in the Committee of the Whole. Need he remind the House, that when more than two sessions had been spent in discussing the subject of the tariff, which had agitated the whole country, that near the close of the discussion, a gentleman from Kentucky, [Mr. Letcher,] not now on that floor, came in, and with the compromise bill in his hand, proposed to submit it as an amendment or substitute to the tariff bill which had been reported by Mr. Verplanck? The House resolved itself immediately into Committee of the Whole, and passed the bill in a few moments, and without discussion. It was referred back to the House; and yet this important measure had not been referred to either of the standing committees. The Senate took it into their hands, and passed it forthwith, and he hoped this House would act in a similar manner in this case.

But we have been told that this House would be wanting in self-respect if it sanctioned the practice which had but recently been commenced by the heads of Departments, in addressing communications on any subject to the chairmen of the several standing committees. We have been gravely admonished that these communications should come through the Executive to the Speaker, and by him submitted to the House for its action. This practice, which gentlemen now complain of, has existed from the first organization of the Government to the present time. It has long been, and still is, the practice of the committees of both branches of Congress to direct their chairmen or some one of the members of the committees, whenever they derive any information which can be obtained from either of the heads of Department, to call upon them for such information; and these communications are usually appended to, and from a part of, their report, as will be seen by referring to the printed reports of committees. Any other course to obtain that sort of information would be attended with serious inconvenience and great delay in transacting the public business.

An objection has been urged against this bill and the amendment of the gentleman from Florida, on the ground that the House has no information that a war now exists, but mere rumors, newspaper reports, or private letters. Not one word of information had been received, as has been alleged by gentlemen, through the proper channel, the Executive, in relation to the existence of Indian hostilities.

Such, however, is not the case, as was justly observed by the honorable gentleman from Florida, [Mr. White.] That honorable gentleman stated that, more than three months ago, a communication was sent to this House by the Executive, and printed, and laid upon members' tables, stating all the correspondence with the official agents of the Government, and the causes of the war.

The objection made to this bill, that the subject had not been brought before the House, upon a recommendation of the President, comes strangely from the opposition members, who are, and long have been, opposing the administration, on the ground of executive usurpation, and declaring against executive patronage; yet now fold their arms, and wish to submit every thing to

executive dictation, and say they can do nothing till the Executive makes known his opinion. This is circumscribing executive power in a remarkable way: it is, in effect, placing in that officer the entire control of the foreign and domestic policy of the country. It is making him the sole judge and organ of all measures of precaution and defence. If he neglects his duty, or shrinks from assuming the responsibility, which he has never yet done, Congress can do nothing; and between the two, the country must go undefended.

This is a doctrine to which he was not willing to submit. High as was his opinion of the individual who now fills the executive chair, and as much as he venerated that clearness and decision of intellect by which he is distinguished, he would not consent to divest this House of what he considered the most important of its privileges. And so long as he had a seat in the House, and saw a bill which he considered to be called for and necessary for the public good, he should vote for it, whether it had been submitted to or approved by the Executive or not. He felt it to be his duty to throw out these ideas for the consideration of the House, in reply to the observation of the gentleman from Maine; and as he could, himself, see no necessity for the reference, he hoped the House would adopt the amendment, and direct the bill to be engrossed and read a third time.

Mr. JARVIS withdrew the motion, and made some remarks in reply to the arguments of some of the gentlemen who preceded him.

Mr. VANDERPOEL said that none of the gentlemen who had spoken upon this bill had, as yet, told us that they intended to vote against it. It seemed that this honorable colleague [Mr. GRANGER] and the honorable gentleman from Tennessee [Mr. BELL] were dissatisfied, because the bill did not come before us exactly in the right way, and that the subject-matter of the bill had not exactly gone through such a preliminary form and process as to be entirely consistent with the dignity of this body; and gentlemen had unjustly, as he thought, taken occasion to animadvert in no sparing terms upon the "loose manner" in which this House had proceeded to make appropriations for the suppression of Indian hostilities in Florida, and the defence of our Western frontier.

It had been said both by his colleague and by the gentleman from Tennessee, [Mr. BELL,] that the executive department of the Government had not treated us with due courtesy in not communicating directly to this House through its Speaker; that it should not have made its first communication either to the Committee of Ways and Means or the Committee on Military Affairs. To this he would answer, that in regard to appropriations of this description, it had been the practice of the Executive, ever since the formation of the Government, to intimate his wants in the first instance to the committee to which, from its organization, such matters should most naturally be confided; and then the committee, after it had duly examined the subject, had been in the habit of reporting to the House a bill, together with all the communications which showed the necessity of making the appropriation called for. Such, surely, had been the practice here in relation to the appropriations which we had already made to suppress Indian hostilities, and to provide for apprehended difficulties upon the borders of Texas. We most certainly had had spread before us all the lights and all the reasons for which the appropriations for the defence of the Southwestern or Texian frontier was called. The letter of General Gaines to the Secretary of War, the instructions of the Secretary to General Gaines, together with the occurrences and the intelligence which induced the apprehension of trouble in that quarter, were all read from the Clerk's desk; and when we voted the appropriation, we did so, sir, after a full possession of all the lights with which either the President or the Secretary of War was favored. For his part, he cared not whether the House or one of the standing committees of the House were first favored with the evidences that indicated the necessity or expediency of such appropriations, provided we had the benefit of them before we acted definitively in the matter. In times of danger and emergency, when expedition was necessary, he did not think that we should be so pertinaciously attentive to our own dignity as to lose sight of the precious interests that were committed to our charge. Our constituents would surely excuse us for not being over punctilious about points of etiquette, for not being quite so regardful of our own special dignity, when we were called upon to provide safeguards against the horrid savage butcheries of our Western borders. They will excuse us, if, on such occasions, we should go rather for the substance than for the form, and would be apt much sooner to overlook and forgive a little precipitancy on our part, than the procrastination of salutary measures, on account of any sublimated notions of our own dignity.

Mr. V. said that his colleague [Mr. GRANGER] had again alluded to the policy of removing the Indians to the other side of the Mississippi, and had reminded us, with that solemnity of tone and manner which distinguished all his efforts here, that gentlemen of "the opposition" could not allude to the manner in which these appropriations for Indian wars were passed through this House without being suspected of, or charged with, carping for party purposes against the administration. If his honorable colleague disclaimed all party influences in the objections which he urged against the manner in which these appropriation bills were here originated and passed, he could only say that his speech to-day was not the most satisfactory evidence of the sincerity of such disclaimer. It smacked of any thing, and so had every speech with which his colleague had yet favored us smacked of any thing but a disposition to exclude party from debate here. He [Mr. GRANGER] had more than once alluded to the policy of removing the Indians; and if he could gather aught from the manner in which he had alluded to this subject, it was that he was opposed to this policy. He had told us on a former occasion that he was not a disciple of the non-committal school. He (Mr. V.) did not mean here to perform the office either of catechist or catechumen: he had witnessed too many occasions on which the functions of the former were unprofitably exercised, not to feel admonished that, as a general rule, it was unwise to usurp them; but if he could be induced to propound a single interrogatory to his colleague, he would ask him in plain English whether he was for or against the policy of removing the Indians to the other side of the Mississippi. Was he to understand, from the fact of his telling us (in a tone somewhat sarcastic) that this administration would be entitled to all the glory or all the dishonor of this measure, that he [Mr. GRANGER] was opposed to their removal; that he would rather see them remain in the midst of white settlements, claiming a right of sovereignty paramount to the sovereignty and jurisdiction of those States within whose limits they were located, and constantly endangering the peace and lives of those white communities who resided in their vicinity? He wished his colleague would come out openly upon this subject, and not remain longer in a position whence he could jump either way, according to results that time might bring forth.

Much had been said about our legislating under the influence of a panic here; we had been told that the citizens in the neighborhood of your Indian tribes were panic-stricken, and that we ought not to partake of this spirit. Was there not, asked Mr. V., enough in the history of the past six months to justify a panic in those

unfortunate citizens whose lot was cast in the neighborhood of the savages? What have they witnessed in Florida? Why, a little band of Indians, not exceeding six or eight hundred warriors, baffling the discipline and prowess of nearly or quite the whole of your regular army, and not a few volunteers and militiamen to boot! What else had they witnessed? Why, they had seen efforts made here to authorize the raising of troops, to nip in the bud those general and most desolating Indian aggressions with which we were now threatened; and, instead of a unanimity and alacrity that should crown such natural and most reasonable efforts, they had seen honorable gentlemen, who professed to be versed in Grecian and Roman story, rise in their places and tell us, in most solemn tones, that a small addition to your standing army would endanger the liberty of your country; that standing armies were the rocks upon which the ancient republics had split! They have seen a single regiment of mounted dragoons most grudgingly added to your standing forces, and even beheld this addition encountering fierce opposition from many of the representatives of this great, this wealthy, and powerful nation! Were not our borderers, then, in view of the horrible outrages with which they were threatened, of the feeble standing force of the country, and the surprising reluctance with which a man was here added to it, justified in yielding to a little panic? Some of us had been rebuked for partaking of this panic, and legislating under its influence. There were some gentlemen so entirely phlegmatic that it would almost seem that they would require an accurate inventory of the number of scalps actually taken, duly authenticated by the hand and seal of the Governor of a State or Territory, before they could be induced to act. For his part, he made no pretension to such stoicism. He did not want to see the blood-stained tomahawk, or hear the shrieks of innocent victims, before he could be moved to precautionary measures, though those measures might cost money. He was no enthusiast; but on occasions like these he would not, because he could not, measure the exact degree of danger, or weigh in golden scales the amount of relief necessary to arrest it. It was enough for him that Florida was almost desolated; that though one campaign, on our part, had closed, yet the tomahawk and scalping-knife were again performing their bloody offices; that the Creeks were rising, it was said, by thousands; and that we had too much reason to fear that the war spirit had seized most of the savages along the whole line of our extensive Western borders.

It had been asked, why has not the Executive given us more information as to the extent of this war, and the causes that have produced it; and one honorable gentleman had uttered a most doleful prophecy. He had told us that, some five or six years hence, when the historian shall look for the causes of this war, he will in vain search for light among the records and proceedings of this House. It surely was not so. No gentleman could doubt that all the intelligence in possession of the Executive, as to the cause, the origin, and progress, of this Florida war, had been freely and fully communicated to this House. Who could now tell the cause of it? Who would pretend to know the wild vagaries that influenced the savage mind, the imaginary grievances that first induced him to whet and raise his weapons of death? And as to the extent to which, and the time in which, this war was yet to rage, was the Executive omniscient, that he could tell us, and thus enable us to measure our appropriations exactly by the number and extent of the conflicts in the future? He did not believe that the wily Oceola was so kind and courteous as to keep our Executive informed, from time to time, when and where he intended to strike his blows.

As to this particular bill now before us, it should be borne in mind that it made no additional appropriation. It only provided, out of our former appropriation, for the payment of debts which we fairly owe. The first section of the bill provided for the repayment of those funds which States and corporations had so promptly and honorably advanced in time of emergency, on account of the militia received into the service of the United States for the defence of Florida; and the amendment proposed by the honorable gentleman from Florida [Mr. WHITE] provided for the payment of those volunteers who had been called out by Generals Clinch and Fernandez, without a previous order from the Secretary of War. He wished that this amendment could also have been looked into and reported to us by the Committee on Military Affairs; but, as all gentlemen seemed to agree that these troops ought to be paid, he would cheerfully give his vote not only for the first section of the bill, but also for the amendment.

The discussion was continued by Messrs. GRAVES, JUDSON, E. WHITTLESEY, PARKER, ADAMS, and WHITE; after which, the bill was passed without a division.

Mr. LEWIS, from the committee of conference upon the disagreement of the two Houses upon the amendment of the Senate to the bill authorizing the President of the United States to accept the service of volunteers, reported the bill as amended by the conferees.

The report was accepted, and the bill passed unanimously.

Mr. MARTIN then offered a resolution, referring to the Committee on Military Affairs the consideration of the expediency of paying reasonable compensation to those volunteer companies who went, under the requisition of the Governor of Florida, to the seat of war, but were not received, because the number required, from nearer parts of the country, had already been received and mustered.

The resolution was agreed to.

Mr. WISE offered a resolution, which, he said, he understood to be in accordance with the wishes of the Secretary of War, to the effect that the President be requested to communicate to the House all the measures taken by the Government to suppress the Indian hostilities in Florida, and also all information in his possession relative to the cause of those hostilities; and it was agreed to.

The House then adjourned.

MONDAY, MAY 23.

PUBLIC LANDS.

The House resumed the consideration of the resolutions from the Legislature of the State of Kentucky, with the motion to commit them to a committee, with instructions to report a bill providing for the distribution of the revenue arising from the sales of public lands among the several States, according to their population.

Mr. CUSHING, who was entitled to the floor, rose and said:

The resolutions of the Legislature of Kentucky recommend the distribution of the proceeds of the public lands among the several States, in the ratio of their federal numbers; and the question pending is on the motion of the gentleman from Kentucky, [Mr. C. ALLAN,] which instructs the Committee of Ways and Means to bring in a bill in conformity with those resolutions.

The Legislature of Massachusetts, also, has expressed its opinion of this matter. I hold in my hand an authentic copy of resolutions adopted by the General Court of that State, approving the principles of the bill now before Congress for the distribution of the proceeds of the public lands of the United States among the several States of the Union, and requesting her representatives in Congress to use their exertions to procure the passage of that bill.

These resolutions do not come to my colleagues or to myself in the shape of authoritative command. They do not emanate from the constituent people, whose instructions the constitution of my State requires me to receive; but from a body which stands in the same relation to the people that I do, as intrusted with a share of public power for a limited time, and for specific purposes. Their sentiments, however, concur with my own conscientious opinions of right in this particular; and I rejoice, therefore, that I can honorably justify the resolutions in my place here. It is for this object I have now risen; embracing this occasion of the pendency of the resolutions from Kentucky, in the assurance that I am not likely to have any direct opportunity to discuss those of Massachusetts.

The course pursued by the Legislature of Massachusetts differs from that of some other States. Resolutions are now before us from the State of Kentucky, recommending a division among the States of the proceeds of the public lands; the State of Maine has sent hither resolutions in favor of appropriations for the public defence; Massachusetts has kept both objects in view. At the same time that she transmits to her representatives her approbation of the principle of the bill for distributing the proceeds of the public lands, she transmits, likewise, resolutions in favor of a branch of the public defence, committing her to the system of fortifications upon the Atlantic. She has not given her sanction to one of these measures, to the exclusion of the other. And, in my judgment, this is the true view of the whole subject. If there be any set of persons in this House, who are for squandering the revenue on fanciful projects of pretended public defence, for the mere purpose of depleting the national Treasury, them I oppose. And if there be any set of persons, who would abate one jot of the appropriations called for by the general service, in order to divert a large share of the public treasure into the coffers of the several States, them also I oppose. Neither of these opposite purposes, if such purposes exist, is just or patriotic; and each of them, whatever party they are of, I do utterly renounce and abjure. I think the two objects, held in view by the State of Massachusets, are perfectly reconcileable; as I shall endeavor to show in the remarks I intend to submit to the House.

The constitutionality of the proposed distribution of the proceeds of the public lands, of which I entertain no doubt, I shall not at this time undertake to discuss. Nor shall I, on the present occasion, trouble the House with recapitulating the ordinary arguments in support of the measure.

Supposing it to be constitutional, and supposing it to be commended by various considerations of expediency, which are familiar to the minds of gentlemen, and are in themselves undeniable, what I propose to examine is, the practicability and propriety of the measure as a question of finance, having regard to the other paramount demands of the public service.

And, in the view I take of the subject, it is not material to ascertain what portion of the public treasure is to be deemed the nett proceeds, strictly speaking, of the public lands. Practically considered, the surplus revenue on hand is one thing, though derived from different sources, being, at the present time, chiefly the sale of public lands and customs. If the distribution bill passes, it will take from the Treasury neither lands nor duties; but money. The express design of the bill, to be sure, is to distribute the nett proceeds of the public lands; and that design is important, in fixing the just amount to be distributed, as also in reference to the grounds and inducements of the measure. But there is a preliminary question which rides over all others; and that is, whether in fact there be any surplus treasure, over and above the public wants, and available for the purpose of distribution. To this question I address myself; and to resolve it, I shun all the details of the distribution bill, and prepare to take a systematic review of the public service, of the state of the Treasury, the probable demands upon it, and the extent of its resources. Though such a view of the matter be on the face of things somewhat broad, it is the only one capable of leading the mind to any clear and satisfactory results upon the great question.

In the course of argument I have marked out to myself I aspire to ascend above the mists of a party expediency and local jealousy; to look at the subject as neither of party nor of place, neither of personal interests nor of sectional interests, neither of administration nor of opposition; and to sketch a brief, though general and comprehensive, outline of the present resources and exigencies of the public service, in the spirit which the dignity of the subject demands of me as a statesman and an American.

And allow me to premise, in explicit terms, and in distinct explanation of my conduct, on this or any other question, that I purposely withhold myself from the agitation of mere party topics in this House. Wherein the administration shall have failed to redeem the pledges by which it gained possession of power, I leave it to those, who feel aggrieved in that respect, to assert their griefs, and to pursue, here or elsewhere, the line of controversy proper to their particular circumstances. Without presuming or intending to question the part any other gentlemen take, I may be permitted to say that my ambition is, and my aim shall be, so long as I have a place here, and whenever I am indulged with a hearing, to speak to the business of the House. It is the course dictated to me by my own judgment: it is a course consonant with the wishes of my constituents. The political fortunes of Massachusetts are not to be marred, nor are they to be mended, by any mere party speeches which her representatives might utter in this House.

Permit me further to say, once for all, that nothing is to be inferred from this in impeachment of my consistency. It has been matter of amusement to me, rather than of anger, to perceive myself loudly denounced by certain portions of the newspaper press, for abstaining, in a document on the politics of Massachusetts, which I had occasion some time since to publish, from the gratuitous application of terms of personal obloquy to the constitutional heads of the present administration. I do not complain. Least of all, in this House. The fashion of vituperating here the newspaper press is one that I disapprove. It is either going too far, or not far enough. If it becomes the members of this House to take notice of the individual conductors of the press, it behooves us to do it on fair terms, as men and as citizens, and not from the vantage-ground of this our high official position. Its remarks on us are our own personal affair, not the constitutional business of this body. Besides, something is to be pardoned to the spirit of liberty. I value the freedom of the press so much, that I am slow to quarrel even with its license, when the conduct of the public servants is in question. We who move in these agitated scenes voluntarily expose ourselves to the scrutiny of the press. If we cannot sustain its examination we deserve to fall. And, for myself, I feel that, having been from the outset to this hour the steady opponent of the present administration, I have a right, in these latter days, to judge of measures on their merits, and where I condemn to condemn with temper and moderation. As I preferred no orisons to the rising orb, and gazed on its noontide lustre with undazzled eye, I may well continue to contemplate it calmly as it hastens to its setting. In a word, I will not suffer myself to be taxed with ulterior purposes.

Nor is any imputation to be cast on the fair fame of Massachusetts. She has nailed her flag to the mast.

There it will fly, amid sunshine and storm alike, proudly to the end, though it have to "stream like the thunder-drift against the wind." There is in her neither variableness nor shadow of change. Whatever allurements may cross her path,

> —Th' imperial votaress passes on,
> In maiden meditation, fancy free.

She yields herself only to the voice of duty and affection. She has refused to be seduced by the blandishments of the charmer, charm he never so wisely: no force could ravish from her the priceless jewel of her undefiled virginity. Her untainted purity has never humbled itself in the dust to receive the embrace of power, though it should have descended upon her, like Jove to the arms of Danae, in a shower of gold. Her opponents have set themselves down in perpetual leaguer by her camp; but have never gained entrance within its lines, except in an hour of truce, to receive the hospitalities due to a gallant foe. And if, in the contest for constitutional liberty, it be her destiny to stand alone, alone will she stand, self-poised, like the solid earth itself, in her own elemental principles. In resolving to adhere to Daniel Webster as her candidate for the presidency, she has acted without *arrière pensée* or indirection whatever. She simply moves right onward in the march of consistency and honor, unshaken, unseduced, unterrified; she does justice to her own great citizen and herself; she proposes for the chief magistracy that individual, in whom she sees her political principles personified; and she leaves the event to the gracious disposal of an allwise God.

Having cleared the way of these preliminary matters, I now proceed to the business on which I have risen to address the House.

My theory of taxation is very simple. It is that of the constitution. The revenue should be commensurate with the wants of the country, and levied for the limited uses which the coustitution prescribes. Congress cannot raise money for any other object. But, in the details of taxation, and especially in the imposition of duties on imports, we have full right, and it is our duty, so to apportion them as to encourage and sustain the domestic industry of the country.

Whether the precise provisions of the present tariff have tended to increase or diminish the amount of public treasure, I do not stop to inquire. It is founded in a compromise, which every consideration of the great interests of the country, and of the honor of its public men, requires to be respected. I rejoice that, in all the debates of this Congress, no gentleman has ventured to call this in question. The President, also, in his annual message of this year, and the Secretary of the Treasury in his report, have expressed the desire of the administration to maintain the principles of the tariff act of 1833 inviolate. And therefore I cannot but express my surprise that the honorable chairman of the Committee of Ways and Means [Mr. CAMBRELENG] should, on a recent occasion, have spoken of that act as oppressive to the interests of agriculture and labor. Representing, as I do, some of the principal manufacturing communities in the United States, I feel bound to make a passing remark on this subject.

Whatever tends to diversify the objects of human industry, and to enlarge the scope of any one branch of industry, is not only beneficial to the interests of a country directly in that particular, but it is also beneficial in the prosperity it adds to all other departments of labor. Such has been the general effect of the introduction and growth of manufacture in this country. And it seems passing strange to pretend any exception to the general law of industry at this particular season, when the laborer receives better wages than at any past time, and when the agriculture of the country is in a state of palmy prosperity altogether without parallel in our history. Every thing which the land-owner sells is dear; those articles of manufacture, which he has occasion to buy, are cheap. The high prices, which now prevail, are not so much of things generally, as of the products of the earth. Corn, sugar, cotton, beef, pork, tobacco, in fact, all the great staples of agriculture, have risen in price disproportionately to manufactured commodities. Very singular and extraordinary incidents in trade are the consequences of this state of things. Thus, I have been assured that a cargo of Indian corn was lately imported into the United States from the city of Venice, and sold at a profit; a thing wholly unprecedented in our commerce. Thus, also, beans have gone from France to the West Indies, and been purchased there, to be imported into and sold in the United States. It is notorious, indeed, that breadstuffs, and other ordinary products of agriculture, are dearer in this country at the present time than in the foreign markets of the Baltic, the Mediterranean, or even of England. And the prices of the great staples of the South bear similar evidence to the general prosperity of agriculture. And if there be one man so faithless on this subject, that he must see and feel in order to believe, let him go into any of the regions of country in which manufactories have been established under the influence of the protecting system, and he will then have ocular demonstration, in the spectacle of universal prosperity about him, of what that system has done for the interests of the land-owner. I hope, therefore, to hear no more suggestions calculated to unsettle public confidence in the compromise act. Let us, for a few years at least, be able to anticipate some continuance of stability and consistency in the treatment of the vast and invaluable manufactures of the United States.

While I start, then, with the avowal of a disposition to hold the national expenditures within the uses provided by the constitution, I also maintain that, if a proposed expenditure be constitutional, and if it be warranted by considerations of justice and public policy, the expenditure should be appropriate to the object. There is no other true and wise economy. If a thing is to be done, let it be well done, and with adequate means. Limit the constitutional uses, be frugal, but not parsimonious, in application to the uses which are constitutional.

At this moment, the financial condition of the United States is altogether remarkable. We have discharged, or stand ready to discharge, the entire funded debt of the Revolution, and that of the second war with Great Britain. We possess an overflowing Treasury. These facts are alluded to every day; but is the whole force of the case fully understood? It is not merely the discharge of so much debt in money, which distinguishes the present crisis. We issued from the war of the Revolution loaded with pecuniary obligations, contracted in the pursuit of independence. Worse than this. We came out of that struggle, encumbered with treaty engagements, entangled in onerous relations, either of fear or favor, to nations of Europe. What calamities this fact was capable of bringing upon us, we saw plainly enough in the wars of the French Revolution. Pending that disastrous series of events, that general overturning of the civilized world, it was impossible for us to favor one foreign country without offending another, and impossible to be neutral without encountering the enmity of all the contending nations. Our commerce became the common object of universal rapacity. We were despoiled on every sea, and in every quarter of the globe. But a day of retribution was to come. Having chastised in arms that foe, from whom we suffered most, we have exacted of each of the others—of Spain, Denmark, Naples, France—indemnification for the losses of our pillaged citizens. There remains unadjusted a trifling

claim on the Netherlands; except in regard of which, we have had a general reckoning with Europe. They are beginning, on the other side of the ocean, to learn our power, and to appreciate our destinies. Now, we start fair with the world in the race of civilization, of greatness, and of virtue. We feel the young giant's strength in our limbs. Fear, we never knew; and we have passed through all the hours of anxiety that attend on a nation's beginnings. This, therefore, is the true character of the present epoch in our history; admonishing us to pause in our career, and to look before and after, for the shaping out of a policy suited to the great crisis.

It is admitted on all hands that we have a surplus of revenue; that is, the expenditures of the last year have not equalled its receipts. Of this, we had official information from the Secretary of the Treasury, and from the President himself, at the commencement of the session. No man, of either side of the House, pretends to deny it. The available amount, however, is a subject of much controversy. By some, it is rated at so low a sum as to be unworthy of distribution; by others, it is exaggerated to vast millions.

It is easy to see how all this contrariety of opinion has arisen. In the first place, gentlemen have been actuated by adverse motives, which have colored, if they have not confounded, all their perceptions of fact. Next, there is a great variety of schemes and plans of expenditure broached in one or the other House of Congress, by presenting which in a body, without discriminating what is likely to be adopted from what is certain to be rejected, there appears an appalling aggregate of appropriation. Some gentlemen would have us reckon appropriations, which are to cover a series of years, as all chargeable in the sum total to the revenues of the current year. And above all, the general practice which prevails in the House, of blending together the past and the present year, and of not distinguishing between the income of the two years separately, and the expenditure chargeable on each, is a most fruitful source of uncertainty, error, and exaggeration.

Of the detailed estimates which have been given to the country, in elucidation of the subject before us, the most elaborate is that of the honorable Senator from New York, [Mr. WRIGHT,] in his remarks upon the distribution bill. It would be improper for me to make that speech the object of a distinct reply. Nor is there need of it. We in this House have had a similar view of the financial condition of the country, from the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG.] In proceeding to present to the House my own conclusions, adverse to that gentleman's, it is due in candor to him to say, that I do not perceive in his calculations any evidence of a desire to mislead the House in this matter. I differ with him in the details and in the result. But he frankly lays before us the items of supposed expenditure, according to his views of the public service, with the grounds of his conclusions. I shall do the same. Let the House judge between our respective estimates, wherever there is conflict of opinion or fact.

To avoid all possible error, I shall begin by settling up the affairs of the year 1835. It left a surplus of income in the Treasury. What is the amount of that surplus?

We had in the Treasury, at the end of last year, of available funds - -	$25,523,986
The appropriations authorized prior to that time, but not expended, deducting the sum applicable to the service of this year, the sum to be transferred to the surplus fund, and for claims on account of the public debt, are - -	8,673,072
Leaving a clear balance of undisputed surplus amounting to - - -	$16,850,914

To this should be added the interest of the United States in the stock of the United States Bank. The chairman of the Committee of Ways and Means rejects this, because he apprehends that the bank intends to compel the Government to seek it only through the avenue of a suit in chancery. He might as well refuse to credit to the Treasury, any of the cash in the deposite banks. If they choose to be refractory, the Government can obtain its funds on deposite only by means of a suit against them or their sureties. I cannot believe that the United States Bank entertains the purpose imputed to it. If it does attempt to withhold from the United States our whole capital stock, whether in order to try the question of damages on the protested bill of exchange on France, or for any other object, I, as a member in opposition, and as a firm supporter of the bank in the question of the removal of the deposites, hesitate not to declare my belief that in so doing the bank will justly expose itself to the united indignation of the whole country. I do not credit this suggestion. And charging against the actual value of the stock the amount of the navy pension fund, being $619,000, and also the question of damages, if gentlemen please, I set down the par of the stock as available to the Treasury; and adding this to the surplus already found, we have the following aggregate surplus on hand at the beginning of the year:

Cash on deposite, nett balance, - -	$16,850,914
Stock in the United States Bank, -	7,000,000
Total balance of 1835, - - -	$23,850,914

Thus far there can be no material mistake. Supposing the Government to have expired with the last year, it would have possessed, independently of unexpended appropriation, so much bank property in stock or deposites, susceptible of distribution among the States.

Now, if the income of the year 1836 equals the expenditures and obligations of the year, ordinary and extraordinary, it is plain that the ascertained balance of the last year will rest untouched. If the income falls short of the expenditures, the deficiency must be charged to that balance, and will reduce it. If the income exceeds the expenditure, there will be a nett balance of the budget of this year to be added to the balance of the last. The next step in the inquiry, therefore, is to ascertain the probable income of 1836, and its probable expenditure.

Without consuming the time of the House by detailed explanation of any grounds of opinion as to the future resources of the Treasury, I shall content myself with presenting a few obvious *data*, upon which I myself proceed.

I find that the actual receipts into the Treasury for the first quarter of the present year, as officially made known to Congress by the Secretary of the Treasury, are as follows:

From customs, - - - -	$5,006,050
From public lands, - - -	5,439,650
From miscellaneous sources, - -	280,000
Total to March 31st, -	$10,725,700

If the receipts for the remaining three quarters of the year should continue to be in the same ratio, the total income of the year 1836 will amount to 42,902,800 dollars. Will the receipts be in the same ratio? Will the customs fall off? Will the sales of public lands diminish? Will either of these increase?

Of the customs, I cannot anticipate any large reduction. The average annual receipts into the Treasury under this head, from 1817 to 1835, inclusive, have amounted to twenty-one millions of dollars. It is now,

at the end of this period, pretty much what it was in the beginning, though it has fluctuated very much in the intervening years. Judging from these facts, and from the activity of our foreign commerce during the five months of the year which have already elapsed, I think it reasonable to rate the customs of the year at little, if any, short of twelve millions.

It would be rash for me to think of estimating the probable amount of sales of public lands for 1836, as of my own knowledge. I find that well-informed gentlemen from the West are of opinion it will reach fifteen millions of dollars. And it may not be immaterial to note that the official journal of the administration, in commenting on the distribution bill, seems to rate the proceeds of the public lands at twenty millions for this, and also for the ensuing year.

Stating the entire revenue of 1836 at thirty-five millions, I shall at least keep considerably within the bounds assumed by all those gentlemen who have spoken on my side of the question.

The next inquiry is, what will be the sum total of appropriations for the current year?

To follow up this inquiry understandingly, I shall take the estimates of the Secretary of the Treasury as the basis of my calculation. He proposes appropriations to the amount of 17,515,933 dollars. Many of the items are beyond the accustomed annual appropriations. For example, those appertaining to the navy. For the sake of simplicity and perspicuity, however, I shall designate his estimate as the ordinary appropriation for the service of 1836; and all items of appropriation not included in it I shall call extraordinary, and add to its amount, so as to make up the grand total of appropriations for the year.

It is unnecessary to occupy the ear of the House with particular observations, in this place, upon such branches of appropriation as have actually passed Congress. They will appear in the general estimate which I shall hereafter present.

Nor shall I trouble the House in reference to every object of expenditure, reasonable or unreasonable, which any member of either House may have proposed or imagined. It will suffice to dwell upon those appropriations which will assuredly pass in one form or another, and of which the amount only is matter of question.

Of private claims, there are a great number in the hands of various committees, or already reported upon in both Houses. Most of them are of small amount; and the aggregate is hardly worth reckoning in the calculation I have in hand. I am assured by the candid and intelligent chairman of the Committee of Claims, [Mr. WHITTLESEY,] who understands the whole subject intimately, that, if those claims on the Treasury be considered to the amount of 100,000 dollars, it will be making an ample allowance on their account.

There are three objects of importance before the House, namely, the claims of individuals despoiled by France prior to 1800; a bill for extending the provisions of the revolutionary pension acts; and a bill for granting pensions to certain persons who served in the wars of the West against the Indians previous to the treaty of Greenville; which, if they should pass, would occasion considerable drafts on the Treasury. Being earnestly in favor of the first, I regret that there is no better prospect of its being definitively acted upon at the present session. If, as I hope, the other two should pass, they would not become chargeable to any great extent on the revenues of the current year.

Of the uncertain items of expenditure, the largest is that in execution of Indian treaties, including additions made to the appropriation bill for the Indian service, stated by the chairman of the Committee of Ways and Means at $8,767,325. Most of this, I presume, arises under the treaty with the Cherokees. That treaty is not before the House in any shape; it has not yet been made public; and we do not yet know how much it will take immediately from the Treasury. I rely, however, on the veracity and knowledge of the chairman of the Committee on Indian Affairs on the part of the Senate, [Mr. WHITE,] who, in a speech of his now before me, declares that not much of the expenditure under this head will or can fall in this or even the next year; and that the new resources, to be thus obtained, will nearly, if not quite, equal the increased expenditure.

There is a harbor bill, containing numerous items; together with bills for projected custom-houses, hospitals, light-houses, and other public works; and a number of miscellaneous objects of a similar class; the final amount of which can only be stated conjecturally in round numbers.

There is a bill before this House, reported by the Committee on Foreign Affairs, which authorizes the Treasury Department to anticipate the payment of the indemnities due to citizens of the United States from Naples and France. This bill has been treated, in conversation or in debate, as an expenditure of the money of the United States. Not so. It is but an advance, to be repaid with interest; a temporary investment; a substitution of securities yielding a profit for securities yielding none; and instead of diminishing, it would, if passed, increase the eventual resources of the Treasury. I shall not, therefore, consider this bill as any charge on the revenue of the year.

All the remaining unascertained items of public expenditure, those which are chiefly debated as in competition with the plan of distributing a share of the public treasure among the States, have relation to the defence of the country. This part of the subject deserves a careful examination, as well for its intrinsic importance as for the large masses of money which it is proposed to appropriate, the present year, to military objects.

The primary duty of the United States undoubtedly is, to secure the means of self-defence suited to her magnitude, her condition, her destinies, and to the situation of the rest of the world. Interrogate the past. What was the main purpose for which the colonies confederated together? History shall tell you, it was to maintain in armor the sovereignty and independence of the country and the liberties of its inhabitants, against foreign enemies. The constitution shall tell you, which, in the very first clause of the enumeration of powers conferred on Congress, made it our earliest business to pay the debts of the United States, so as to redeem our faith and honor pledged to those who had furnished us with the sinews of war in the great struggle of the Revolution, and to give to us a fair and honorable standing in the great family of nations; and which made it our next business, and before all others, to provide for the common defence of the United States.

In assuming this position, and in supporting all reasonable measures for the defence of the country, I act in conformity with the universal wish of the people of my State. The motto on her escutcheon speaks for itself. *Ense petit placidam sub libertate quietem.* By the sword we achieved, and by the sword we maintain, our nationality as a people. To see that the country be prepared for self-defence, is a policy, which as well her sages of the Revolution, as all her living Chief Magistrates, have earnestly enjoined. One of them, my distinguished colleague, who usually sits at my side, and who so long occupied the executive chair of Massachusetts with honor to himself and advantage to the State, has more than once avowed such opinions during the present session. And the two eminent individuals, who successively left this House to fill his place, have—with their colleagues,

and especially that one of them now in my eye, unsurpassed among his countrymen in the honors of public service—been zealous in the same cause. I do but tread in the steps of those who have gone before me. Putting our feet in the tracks of our fathers, it has been well said, we shall neither stumble nor wander. We have always favored the policy of maritime armaments. Shall we change our views on the subject, because they accord with those of the administration? I cannot, and I will not, in a question of appropriating money for the public defence, stop to inquire by what party the expenditure of it is to be controlled. If the appropriation comes before me in a constitutional shape, and I am satisfied of its intrinsic propriety, I shall vote for it; wishing, to be sure, that my political friends held the direction of public affairs, but meaning still not to impede the constitutional action of the Government.

Another thing. There is a prevalent error on the subject of our foreign relations, bearing materially upon the question of public defence, which has been spoken of in debate on this floor, and requires to be corrected. It has been said that for us to make preparation for war would in itself afford a justificatory cause to another nation, with which we might have an open controversy, either to make war on us, or to seize, embargo, or confiscate the effects of our citizens abroad or on the high seas. A very mistaken idea. Undoubtedly this fact may be found, in the history of modern nations, to have been made on some occasion the pretext of war, as may a hundred other frivolous or inadequate things; but such a procedure would be contrary to what is now the established and admitted rule of the civilized world. It is one of the incidents of sovereignty, an inherent power essential to its own preservation, that a State should have plenary right of defence and of arms, except in so far as it may have limited that right by special convention. In virtue of this right, a nation may make all sorts of armament, assemble and organize armies, fleets, and troops, of whatever description, prepare artillery and other arms, construct fortifications in the interior or upon its frontier, form camps, conclude treaties of alliance and subsidy, and muster its whole physical force in the field. In such case, if any other nation deems itself menaced by such preparations, the established course is for the latter to demand explanation. The refusal of such explanation, an equivocal or haughty answer to a temperate request for it, gives just cause of distrust, of counter-armament, and sometimes even of violences and of war, thus undertaken for the purpose of striking first, in anticipation of the impending adverse blow. To this effect are all the text-writers on international law. To this effect is every day's practice in the diplomatic intercourse of the jealously watchful nations of Europe.

One thing more. The principle, it has been said, involved in the system of public defence now before the country, is the same which was professed by the federal party at the close of the last century. It is not very profitable to discuss that point. Our business in this House is rather to make history, than to settle controverted points. Our function here is that of statesmen, not of antiquarians. Thus much I hold to be certain, that, if the policy of sustaining an efficient system of public defence was federalism in 1799, it was republicanism in 1813; and, in my humble opinion, it is patriotism and wisdom at all times. If I am called to pronounce judgment on the train of events which characterized those respective eras of 1799 and 1813, one of which happened before I saw the light, and the other in my boyhood, I feel that I am competent to regard each with the impartial eyes of posterity, and to speak its voice. Let us hold ourselves above being deluded by the jargon of party newspapers, which seek to keep stale the party animosities of past times by the misapplication of ancient names. Words are not seldom divorced from the bonds of matrimony with the things they belonged to in other days. Each of the great parties which once divided the nation, committed errors to be atoned for at the bar of the country and of posterity. Each of them had its atoning virtues. Who believes that George Washington, John Adams, and Alexander Hamilton, on the one side, or that Thomas Jefferson, James Madison, and James Monroe, on the other, were enemies of their country? Not I, for one; and whatever party names may be current about me, I fear that in such unbelief I shall be likely to live and to die. Both parties erred, at one time or another, in the degree of their opposition to measures required for the security of the national honor. Shall we never be warned by example? Never grow wise by experience? Instead of losing ourselves in the attempt to arrest the flitting shadows of the past, let us look to the duties of the present, and the necessities of the future, and prepare against them when the time comes to act.

These things being understood, the question recurs, What are the military exigencies of the public service at the present moment?

To arrive at any approximate solution of this problem, we must examine the relations of the United States with nations or races not of our own land, whether they be situated beyond sea or on this continent.

Our relations with all the Governments of the Old World are at this moment of the most amicable character. We have a pending difference with Great Britain, in regard to our Northeastern boundary, which has been too long procrastinated, and demands to be brought to a speedy issue; but, notwithstanding this, the generous, the magnanimous part borne by that Government in the recent negotiations with France affords an ample guarantee of the mutual friendliness of intention which animates the councils of Great Britain and the United States. We have unsettled claims against Holland, for spoliations in the time of Napoleon; and against Holland, or Belgium, or both, for the destruction of American property at Antwerp in 1830, during the bombardment of that city by the Dutch forces in the citadel and on the Scheldt. With exception of these particulars, I am not aware of any subsisting difference between the United States and either of the trans-atlantic Powers. And there is manifestly nothing in these facts to affect the military policy of the United States.

The attitude of the United States, as they now present themselves to the eyes of Europe, is one creditable to our honor, and auspicious to our future peace. Our controversy with France has at length reached the crisis of a final and favorable issue, by the payment, on her part, of the instalments of indemnity due to us by the treaty of 1831, and so long withheld. And the result cannot fail to strengthen us on the side of Europe.

For myself, I can truly say that I never believed that controversy would end in war. My mind steadily repelled any such conclusion. When the cloud overhanging our prospect was at the darkest, there was abundant cause to foreknow it would soon give place to the returning light of day. Right, feeling, interest, all combated in behalf of the United States.

Whether the ministers of the United States did or did not exhibit adroitness, good temper, diplomatic skill, in the negotiations with France, is a thing which it is neither profitable nor reasonable to debate in this connexion. Our national cause is not to be adjudged upon such incidental points. Suffice it for me that, on the merits of the question, the right and justice lay on the side of the United States, the wrong and injustice on the side of France; hers was the original injury; hers was the protracted delay of reparation, which aggravated the original

injury; hers was the added injustice of seeking to shun or adjourn the execution of the treaty of indemnity, by the interposition of impossible conditions in reference to a matter subsequent to, and independent of, the engagements of the treaty itself. For this, in my judgment, and not the consideration whether an executive message to Congress is a purely domestic fact, was the strong point in our case. The message, of which France complained, was aside from, and independent of, the treaty. Whether it was injurious to the honor of France or not—whether France had or had not a right to find fault with it—she had no right, in justice or in honor, to make it a pretext for refusing or delaying the execution of engagements already unreasonably delayed. If aggrieved by the message, she should have come forward, and, in the indignant spirit of true gallantry, fulfilled her own promises; and then, if she wanted to quarrel on a punctilio, but not sooner, would have been the time for her to discuss whether her wounded dignity required an explanation of the terms of the message. In adopting such a course, she would have had the moral force of opinion in her favor; in rejecting it, she threw away the only chance in her hand. I repeat, therefore, that the merits of the question were too decidedly with us to admit of the supposition of war.

To the same effect was the feeling of the two nations. In the United States we all know there was no desire of war with France. And I avail myself of this opportunity to repel a base calumny, in reference to the views of the manufacturers of the North, which made its appearance at a time when this question was most nicely balanced. They were said to incline to war from considerations of interest. The imputation was a foul falsehood, and as groundless as foul. They, in common with all the rest of the nation, anxiously desired a pacific termination of our difficulties with France. There goes much preparation of feeling to bring on war between two nations, associated by relations of amity and advantage. It needs deep irritation to rouse the instinct of fight, of which there is doubtless enough in us, and the taste of blood to madden the passions of men. Nothing of this existed either here or in France, where, as I know from intimate experience, we Americans are a favored people. And the reason is very obvious. Apart from considerations of interest, France and the United States are united by historical sympathies; by the glorious memory of the battles fought by us, and the victories achieved, under a common banner; and by our respective positions, as the leading revolutionary Powers, the one of Europe, the other of America.

And the considerations of interest were equally conclusive. We receive from France mere luxuries, objects of taste and fashion; she receives of us in exchange, raw products, necessaries, which, with her sales to us, are the very life-blood of her industry. One fourth of her whole commerce is with us. Take the year 1831 as an example; the exports of France for which year amounted to 424,202,754 francs; and of this aggregate, the value of 110,351,696 francs came to the United States. France received pay for one half of this in cotton, without which, or obtaining which at a war price, her cotton manufactories could not stand in competition with those of other nations buying at a peace price. Look at only two of the articles we buy of her. By the treaty of 1831, we stipulated to favor the wines of France; and, in the impulse of a mere spirit of friendship, we voluntarily extended the favor to her silks. In the year 1830, there were imported into the United States, from France, silks to the value of $3,639,079. In the four succeeding years, there was an average amount of $6,541,897; which, under the fears of an interrupted commerce, rose in 1835 to the sum of $12,129,640. There was, also, an augmentation of the quantity of the wines imported from France, to the average annual amount of 100,000 gallons. And, upon these two articles alone, there has been a reduction of duty during the last four years to the amount of $5,966,139 in favor of France. Under these circumstances the United States could, without firing a gun, have shaken France to its very centre. It needed only that the men of this day, and the women of this day, sensitive as these last always are to the call of duty and of country, should, emulating the example set them in a corresponding case by their fathers and their mothers of the time of the war of independence, abstain, as they well might, from the use of French wines and French silks, to have filled the interior of France with ruin, if not with insurrection. And the injury to the permanent interests of France would have been most enormous; since the wines of Portugal, Spain, Italy, Austria, and the Rhine, and the silks of England, Asia, and the Mediterranean, would have been likely to take possession of our market in lieu of those of France.

These facts, while they prove that war was at no time probable, prove also that the relations between us and France, as well as between us and Great Britain, must continue to be of the closest amity.

I congratulate France, therefore, upon the restoration of assured harmony between us. Her domestic condition is not one to be improved by a mere maritime war with America, or a war of hopeless invasion of our territory. There are too many elements of revolution at work in her own bosom. Is it known to this House, that twice, since the accession of the house of Orleans to the throne, there have been more Frenchmen under arms, engaged in battle within France itself, than would have sufficed to win the battle of Waterloo. Her Government rests on the crater of a slumbering, but not extinct, volcano; which, had foreign affairs gone ill with her, might at any moment have burst forth in fury, and scattered her present rulers to the four quarters of the sky. Her "fire new stamp of honor" will scarce yet give currency to counterfeit coin. Her present dynasty is not quite firm enough in the saddle to attempt to ride over the faith of treaties. Had she undertaken it, the blazonry of Orleans might have been replaced by the Gallic cock, as that of Bourbon had been already; the tricolor, which again waves in the van of her armies and as the banner of her navies, might have been followed, as of old, by the consular fasces or the imperial eagles; and upon the ruins of the monarchy of July there might have rearisen, phœnix-like, the French republic, one and indivisible, to send forth its propagandist legions on a new mission of liberty through astonished Europe. What France needs, and what she has got, is repose. She has gone through the horrors of the first Revolution, the conquests of the republic, the glories of the empire, and the shames of the restoration; and her best policy now is to show that

> —— Peace hath its victories
> No less renowned than war,

by the development of her domestic resources and the consolidation of her institutions.

I congratulate the United States not less. To us, also, the evils of the war must have been almost incalculable. No war, however glorious its ending might be, could fail to be deeply injurious to the country. It would be followed by a train of moral and political ills of tremendous magnitude. It would occasion immense loss to the nation, in the withdrawal of its resources from the pursuits of industry, to be applied to the work of destruction. Reflect on the overflowing prosperity which twenty years of peace have bestowed upon the United States. And, in addition to these general evils, accompanying war at all times, would have been the particular circumstances of

a war at such a time, and against such a nation. Our immense commerce, scattered through every clime, our whalemen, chasing their prey in the most distant seas, our richly laden ships in the East Indies and in the waters of Europe and South America, subject to be assailed by the cruisers and privateers of a Power possessing no similar commerce to be assailed by us in turn. Our navy, gallant, and consecrated by victory after victory, but how much inferior in force of numbers to that of the adversary! Our fortifications, not only incomplete, but ungarnished of arms, and half dismantled, as I hope they never will be hereafter. Add to which the difficulties in the way of military operations against France. Her ships of war numerous and ready for action. Her powerful standing army. Her coast, one vast rampart of brass and iron, which, even when she had scarce a ship afloat for its defence, her navy having been annihilated by Nelson at the mouths of the Nile and off Cape Trafalgar, still defied and baffled all the attempts of England, as the disastrous expeditions of Walcheren and the Isle-du-Rhé bear witness. May our hearts run over in thankfulness to the gracious Disposer of Events, that he vouchsafed to preserve us from the calamities of such a war!

And I congratulate the world. Great Britain, France, and the United States, stand together in the first rank of constitutional Governments. We have no business to quarrel together. Better functions, and higher destinies, belong to us in the general scheme of earth's affairs. To cheer onward the great cause of civilization and liberty, to conquer new realms to the empire of knowledge, to march side by side as the vanguard of constitutional right, in defiance of all gainsayers, to develop the social capacities of our race; these, and not the task of mutual injury, be our chosen acts. It is a fact, singular and memorable, that, for twenty years past, the world has witnessed no foreign war in the limits of Christendom: I mean of Christian Power against Christian Power. The providence of God seems, for his own wise ends, to have averted such an event. All the wars of that period have been either of Christian against Infidel, or they have been wars of domestic revolution within each single country or its possessions. I rejoice that we did not make an exception to the rule. Is there not a moral in this fact? I think there is; and a moral pertinent to the case in hand.

Upon this review of our trans-atlantic relations, there is, it is plain, no specific point of immediate peril in that quarter, calling for war preparations, and for expenditures of money in direct relation to such end. What we need in this respect is the gradual placing of the country in a posture of defence adapted less to the actual danger, than to the definable contingencies of danger, on the side of Europe.

Movement is the characteristic of the present epoch. It is often spoken of: has it been duly pondered, in reference to our own domestic legislation? Is it not time to do so? Is it not the part of wise men, of prudent patriots? All society is instinct with life, enterprise, competition, liberty. Nations are balanced. Foreign wars, as I have already suggested, have ceased. The world gazes on the spectacle of deeply interesting domestic struggles. That glorious Christendom, of which we compose no mean part, is moving on to some predestined, but yet unscanned, point, in the boundless future of ages. Society is rolling onward, like a planet wheeled through its orbit in the heavens. Shall we, as did the ancient astronomers, trusting to delusive appearances, imagine that our earth is the stationary centre of the system? Or shall we look into causes and effects, to discover that we are but an element of the universal whole, impelled rather than impelling, if acting, yet acted upon with intenser force? Shall we shut our eyes, in wilful ignorance of events? Shall we fold our arms in listless indifference to the march of fate? It beseems us to look at our position; to consider its relations; to take observation of the headlands and landmarks about us; to elevate ourselves to our destiny, if glorious; to brace ourselves to the shock, if otherwise; and to make ready for either doubtful event.

Inspecting the social and revolutionary movements of the present generation, we see that Christendom is divided into great adverse classes: the friends of improved constitutional institutions, who control America and Western Europe; and the enemies of such institutions, who are supreme in Central and Eastern Europe. The next war which divides the world, it is clearly enough perceived, will be that war of opinion, which Canning long ago foretold to come. Our position, as the leading Power of the New World, is, and must be, a responsible and conspicuous one, at all events. Still more, as we are the exemplar republic, not of America only, but of the world. For what is the petty state of San Marino, or a free city here and there in Germany, or even the narrow mountain republic of the Swiss, compared with this vast representative confederacy of ours, filling greater space than the whole of Europe? When collision comes, as sooner or later it will, and at what hour we know not, we shall need to be in possession of two things, alike essential to our neutrality, our safety, our existence. They are, first, a competent system of maritime defences; and, secondly, the national vigor and internal health and resources requisite for employing those means of defence to effect. Both are equally indispensable. Either without the other is naught. The weapon to ward off or to strike, the spirit and the strength to wield it. These are the mind's pictures of a free people, jealous of their independence, and resolute in the maintenance of their national rights.

Our navy, and the fortifications of the Atlantic and Gulf, constitute the co-ordinate parts of a sytsem of maritime defence and security. Each of them sustains and is sustained by the other: the navy as the agent to repel the enemy or defend against his approach; and fortifications as the *points d'appui* of the combined forces of sea and land. Without going back to a period anterior to the last war, when this general system, and especially the navy, had to struggle with party difficulties or personal prejudices, it suffices to say, that the experience of that war put an end to all controversy respecting the value of maritime defences. Our navy had covered itself with glory. All men of all parties, and all sections of the country, gave to it their good will. It was justly remarked, that our party divisions, acrimonious as they were, ceased at the water's edge. Accordingly, on the instant after the restoration of peace, we saw three great objects simultaneously pursued by our public men: first, the re-establishment of the pecuniary credit of the Treasury; secondly, the reorganization of our system of public defences, as they are now in progress; thirdly, the development and fostering of the internal resources of the country, its commerce, manufactures, agriculture, fisheries, and mines.

As that system of public defence which came into being, in a national point of view, with the war of the Revolution, was extended, in consequence of our difficulties with France in 1798, and triumphed over all obstacles in the war of 1813 with England, I am not sorry to see it confirmed and advanced by the apprehended event of another collision with France. Regarded as a whole, it consists of, first, a navy; second, fortifications; third, an army kept sedulously within the regular wants of the country; fourth, an organized militia; and, fifth, the naval depots, ports of refuge, arsenals, armories, and munitions of war, requisite for the service and supply of the other branches of the system. Subsidiary to which, of course, is a chain of interior communications, adapted

both to the defence and to the commercial interests of the country.

There seems to be much vagueness and apprehensiveness in the minds of members on this subject. It has been very emphatically asked by the gentleman from Kentucky, [Mr. C. Allan,] and others, whether it be the policy to cover this country with a vast military organization, like what is observed in Europe. Such is not my aim. There is no need to augment our army in the ratio of countries beyond the sea, for the very reason that the ocean divides us. And, for the same reason, we need a competent naval force, and the fortifications which are to support it, because on that ocean they and we meet. The United States are assailable by the Powers of Europe only through the means of maritime approach. They must come to us. The colonial possessions on the continent of America, or in its waters, which many of them possess, do not relieve them from this difficulty. England, even, with her extensive territory on our Northern frontier, has not within it, and cannot have, the resources, in men, munitions, and money, necessary to the carrying on of war against the United States. All these, to reach us with the bare point of offence, must be water-borne. Possessing competent maritime defences, we shall have our national quarrels decided upon the ocean, instead of our own territory. Our wars will be maritime, leaving untouched all our national resources, except our foreign commerce.

Independently of the exegencies of actual war, this form of defence is of permanent importance in time of peace, for the protection of our wide-spread commerce. In regard to this commerce, there is a perfect unity of interest pervading the whole country. All its departments are inseparably interwoven together. This is plain enough so far as regards our vast and increasing coasting trade. It is not less true of other things. Take the whale fishery of the Northern States, which is pursued in the remotest waters of the Indian and Pacific oceans. Is not this a national interest? If you doubt, ask yourself where its products are consumed. Are they not necessaries of life throughout the United States? Look at our European commerce. They are ships of the North which navigate the Atlantic; but each of them transports to Europe a cargo of tobacco or cotton, owned and produced in the South, or in the valley of the Mississippi. Is it the ship, or the cargo, more valuable than the ship five times over, which needs the protection of a navy? Britain is no longer mistress of the seas. The magic of her naval ascendency is dispelled. Prospero has lost his wand. The ocean is hers no longer. Our hardy seamen have vindicated it as their own. We, and the other nations of the globe, our friends and allies, or our enemies, as they may choose, are now the coequal tenants in common of the great plain of waters. Our fleets ride over it at will, as their rightful pathway. Our mariners draw from its unsounded depths the rich rewards of enterprise and courage. And I would have it so. Never may the time again come when the ships of the North, freighted with the wealth of the South and the West, shall be swept from the sea, as they were in the wars consequent on the French Revolution, the passive prey of the rapacity of all Europe.

Another consideration. Navies are an arm of public defence peculiarly appropriate to free Governments. Was it ever known that ambitious men left the quarter-deck, which had been the scene of their triumphs and their glory, to compass the downfal of the liberties of their country? Have the brave sailors, scarred in a hundred battles, ever been found prostituting themselves to the work of elevating a victorious commander to the purple? No; these are the abuses which belong to successful armies. Sailors are ever free-hearted as they are uncalculating, and generous-minded as brave. Was it not with her wooden walls that Athens repelled the Persian? Most of the more eminent among the cultivated States of Greece—as Athens, Crete, Rhodes—were naval Powers. So it was in the middle age with the republics of Italy, which served to keep alive the expiring torch of liberty and civilization amid the surrounding darkness of barbaric invasion. I remember the remark, long ago, in the politics of Aristotle, that the sailor population of the Piræus was the freest in spirit of all the inhabitants of democratic Athens. It is Dante, I think, who in like manner characterizes the mariners of the quarter of the arsenal in Venice. And, in later times, where shall we look for some of the purest and brightest examples of power and freedom united. Is it not in Britain and the Netherlands, out of which so large a part of us have sprung, and whose policy told them to fight their battles, not on their own soil, but on the ocean?

Not long since, in debate upon another subject, an honorable gentleman [Mr. Hawes,] expressed much unwillingness to expose our seamen to the perils and hardships of an expedition to explore the Antarctic seas. I beg leave to assure that gentleman that the hardy population in the midst of which I was born and bred do not stand in need of any such compassionate care. Ocean is the plaything of our childhood. We are at home on the wave as on the shore. We dally with the wind. We scorn the storm. We regard the sublime expanse of sky and sea before us with the emotions which it is fitted to inspire; but they are elevating emotions; and I know of no situation, where the instinct of man's inborn charter of liberty is more vividly present to the mind, than when bounding over mid-ocean, in a gallant ship, with the flag of one's country at her mast-head. It is not in such scenes that we learn to be false to freedom or to fear danger.

In considering the relative extent of the navy, and of the fortifications associated with it, I can but do as others do, in expressing my hearty concurrence with the views of the Secretary of War, as approved by the President. I have heard strange doctrines in regard to our military men, since I became a member of this House. It seems to be thought matter of reproach, in some quarters, if an officer of the army possesses the knowledge and qualifications which liberal studies are prone to impart. I honor the Secretary of War the more, in that he adds to the qualities of a brave man and a successful commander the taste and the habit of intellectual cultivation. His report on the subject of our military defences is worthy of his character as an officer and a statesman. As at present advised, I can scarce hesitate to vote for all such military appropriations as come within the scope of his recommendations, sanctioned as these are by the President. In elucidation of my own views on this point, I have but a single idea to suggest to the House.

Military writers of some note have doubted the expediency of attempting to fortify an extensive land frontier. There never was any question, however, as to a sea frontier. All experience, of all ages and all nations, has favored the latter. There is abundant reason for the distinction. An army which invades a country by land has the same means of retreat as of advance. If it can maintain itself on the foreign soil by force of arms, it will do so. An army which invades by sea needs just as much physical strength as if it came by land. In addition to all the means of attack and defence, which it must have to operate on the land, precisely as if it were a mere land force, it is wholly dependent on ships of war for the transportation of itself and of its munitions. Thus situated, it may land, ravage, and burn, and fly back to its ships; but it cannot act permanently and efficaciously, unless its fleet possess a secure place of refuge. To obtain such a place is, of necessity, its first object. Its magnitude, and consequent power, are greatly re-

stricted by the difficulty of conveying a large army, with its equipage, supplies, and horses, across the sea, even for a short distance. Not so on the land side. There a powerful army can push itself into a contiguous foreign territory in such overwhelming numbers as to be comparatively regardless of the fortifications scattered along the frontier. Of what avail to either party were the fortresses of Austrian or French Flanders, of the Rhine, or of Italy, in the campaigns of Napoleon? There is a still more striking case, that of the Spanish Peninsula, which illustrates both sides of the question. The Peninsula adjoins France on a part of its northern frontier; by which it has happened that the people of the Peninsula could and did invade France at will, and at one period held for a long time a part of her southern provinces; and France has always been able to throw her armies into Spain. On its extensive maritime frontier the Peninsula is defended, not by a continuous line of battlements, covering its whole coast, but by admirable fortifications for the security of selected points, important in themselves, either as naval stations, or as populous, wealthy seaports. Such is the character of the military works of Barcelona, Alicante, Carthagena, Malaga, Cadiz, Lisbon, Oporto, Corunna, Bilboa, and San Sebastian. Look now at the consequence. England has been at war with Spain, not unfrequently, for upwards of two centuries. During the latter part of the time she has been altogether supreme on the sea; yet she has never found it in her power to make an effective hostile lodgment in Spain, except at Gibraltar, virtually insular in situation; and a mere island fortress must of necessity yield in time to any decidedly superior naval power. It is equally true, as I remarked before, that, in modern times, when France has erected suitable fortifications for the defence of her maritime frontier, although England could land at Toulon and other points on the French coast, and although the two countries are absolutely in sight of each other, yet she could never make any headway in that direction, and was only able to succeed through alliances in Spain or the Netherlands, which gave her the advantage of action against a land frontier. The same thing might be largely illustrated by other examples in the history of the wars of modern Europe. While, therefore, if undefended by fortifications and a naval force, an ocean frontier affords peculiar facilities for the approach of an enemy, it presents, if adequately protected by suitable defences, peculiar facilities for resisting hostile operations. But I forbear to trespass on the patience of the House; concluding, from the whole matter, that, though it would be chimerical, an intolerable tax on the industry of the nation, and the ground of necessity for alarming additions to the regular army, to attempt to guard our immense seacoast by means of a wall of stone bristling with cannon, yet the security of our maritime frontier, in the manner and with the limitations explained by the Secretary of War, is due to the honor and to the highest interests of the United States.

Our policy is peace. We have it now, so far as regards the nations of Europe, and long may we possess it; for it places before us a future of prosperity such as the world never saw. It is our duty and our interest to say to them, we make you the tender of our friendship, we desire your good will, we ask it, we seek it; but we seek it as an independent nation of free and brave men, conscious of their strength. Like the eagle in our coat of arms, we hold the olive branch in one hand, and the arrows of death in the other. We should continue to deprecate war as among the deadliest curses, moral, political, and economical, which could befall us; but it would be disastrous to look towards it under the panic fears of conscious imbecility. In the courage of our population, in the spirit of freedom and the patriotic nationality of sentiment which animate the country, in the vigor of character proper to us, we possess the last and best guarantee of our independence as a people. And in the course of events, much has happened to strengthen us against the hazards of war. Steam, it may be, will prove the means of a complete revolution in military operations upon our seaboard. Men and munitions can be concentrated on a menaced point with wonderful despatch by its agency. Its direct uses in war, not as applied to moveable batteries only, but in other modes of action, are as yet scarce beginning to be appreciated. Our pecuniary resources as a nation are fresh, elastic, inestimable. With such moderate and reasonable military defences as the country ought to have, and as would be unfelt in their cost by the people, we may rest secure against all the evils, or even the danger, of trans-atlantic wars. Then Europe will have added cause to say,

> Still one great clime, in full and free defiance,
> Yet rears her crest unconquered and sublime,
> Above the far Atlantic.

Then, if her disciplined legions invade us, we need not flinch from the encounter. Could she send braver or better men than fell before the charging bayonets of Scott at Chippewa, or the unerring rifles of Kentucky and Tennessee with Jackson at New Orleans? No, not if the victors of Marengo or Jena, not if the vanquished of Vittoria or Waterloo should come, with Soult or Gérard at their head. Like the people of old Rome, in peaceful times we may retire now and then to the Aventine mount in disgust; rallying to our posts again, when the voice of our country calls. And they who cross the sea to assail us, like the waves that spend themselves in idle fury upon our shores, will find us firm, compacted, immoveable, as the everlasting ribs of the continent.

Such are the considerations, exclusively appropriate to the question of defences on the maritime frontier, with especial reference to the nations of Europe. The considerations, applicable to the question of interior defences, are of another class. They regard either the Indians, or the new States, into which the vast American possessions of Spain and Portugal have been resolved.

There is but one of those new nations, whose territory touches our own. Each of them, except the Mexican States, is separated from us by the sea, and, in order to reach our territory, must overcome the same difficulties of maritime assault, which defend us on the side of Europe. If protected by seaboard works against the nations of Europe, we shall be protected against all but one of those of America. Add to which, their extreme domestic weakness, and their total destitution of the means of carrying on remote war, free us from any cause to apprehend attack of our territory from that quarter. They can reach us only through our mercantile marine, which, in case of hostilities, would be exposed to the depredations of privateers or pirates cruising under their flag. This fact offers another inducement for giving perfect efficiency to our navy, the sole arm of defence which we need, so far as regards the empire of Brazil, and the republics of South America.

The Mexican States, however, the most populous and the most efficient of the republics of Spanish America, stretch to the Southwestern confines of the United States. In common with the other nations of Spanish America, and more advantageously than they, this republic may assail our commerce in the Gulf of Mexico. On that sea it is to be met, in case of war, by naval means, and especially with armed vessels of the smaller class. It is impossible to form an opinion of the military defences proper on the land side of that republic, without coming at once to the train of passing events in relation to Texas.

When the first obscure tidings of the victory of San Jacinto reached us, they caused the manifestation of a lively sensibility in the debates of this House. There

appeared, on the one side, a ready and eager belief in the tidings, and a disposition to acknowledge at once the independence of Texas, or to consider the alternative of its annexation to the United States; on the other side, something of distrust and doubt as to the correctness of the intelligence, and of decided opposition to any immediate action upon the grave questions involved in the subject. We of the North, it was then said, heard with no willing ears the unwelcome news of the triumph of the Texians. Never was there a greater mistake. I received the imperfect accounts of that battle with hopeful, but anxious, rejoicing, and with extreme solicitude for its truth; because I considered it as delivering us from the otherwise certain calamity of a war in the West.

I believed then, as I believe now, that there has existed, in parts of the United States, a settled purpose to sever Texas from the Mexican republic. I knew that the commanding general of the United States on that frontier was collecting troops, and preparing, by order of his Government, to take post within the possessory limits of the province of Texas. I had reason to think the present administration long since treated for the cession of Texas. I saw that the individuals under arms in that province were mostly our own countrymen, carrying on war by resources wholly drawn from this country. Under these circumstances, if events were the reverse of what they prove to be, a war between the United States and the Mexican republic would have been inevitable. I say this, without impeaching, in any sense, the good faith of our own Government. If Santa Anna had beaten or driven before him the Americans in Texas, if a victorious Mexican army had approached the banks of the Sabine, or even of the Neches, whatever might be the policy or wishes of the administration, whatever the conduct of its officers, it would have been impossible to restrain the overflowing enthusiasm of the people of the Southwest, their military ardor, their sympathy in the cause of their kinsmen and fellow-citizens in Texas. I appeal to the gentleman from Kentucky just before me, [Mr. WILLIAMS,] to bear me witness, whether the young men of the West would not have taken arms and rushed to the frontier by irrepressible thousands, if they had seen the Mexicans, flushed with victory, approximating towards the borders of Louisiana. I know it; I know that the Government of the United States, if so disposed, could not have prevented it; and, therefore, I regard the victory of San Jacinto with hearty satisfaction.

Nor is this satisfaction diminished by the circumstance, that the result of that battle brings home to us the question of the future disposition of Texas. We have now reached, without a war, a point which otherwise we should have reached inevitably, ere long, through a war. Thus much is pure gain to us, in the saving of blood and of treasure. The political question, with all its difficulties, we should have had at all events. But we have no occasion, in the changed circumstances, to look to the otherwise possible, if not probable, expenditures and hazards of a war with the Mexican States.

For the rest, there can be no question of the propriety of recognising the independence of Texas, whenever that is a clearly established fact. We may do this without giving just cause of umbrage to any foreign Power. The Mexicans, who obtained from us an acknowledgment of their sovereignty, founded on revolution, can scarce complain of the application of the principle to the case of Texas. Its erection into a separate Government, in amity with us, would interpose a neutral barrier Power between us and the great body of the Mexican republic.

The annexation of Texas to the United States is a totally different thing, involving a train of evils, as the propagation among us of a spirit of military conquest, the chances of foreign jealousy and collision, and peril to the durability of the Union itself, which I cannot contemplate without deep solicitude and repulsive dread. I will not permit myself to anticipate the appropriation by Congress of any money to the accomplishment of such an end.

Looking to the alternative of the independence of Texas as the only probable one, it greatly simplifies the question of the interior defences of the United States. We shall border on the Mexican republic nowhere but in the extreme and yet unpeopled West. In the interior, our military organization will have relation almost exclusively to the Indians.

Whatever appropriations may be needed for the suppression of the existing hostilities among the Seminoles and Creeks, Congress, we know, will promptly vote, as occasion requires. And it may be taken for certain that all the Indians, still remaining within the limits of any of the United States, will be speedily removed to the country provided for them beyond the Mississippi. The time has gone by to give them any different destination. Their lot is now inevitable. Most of them, including the more numerous tribes, the Creeks and Cherokees, are under treaty to emigrate. When the emigration shall be completed, there will be—

Indians who have already emigrated, - -	31,348
Indians to be removed, - - - - -	72,181
Indians of the indigenous tribes, - - -	150,341
Making a total of - -	253,870

collected on the Western frontier of the United States. Can these Indians, a large part of them driven by us from their ancient homes, and aggregated together in spite of themselves, look with an affectionate eye towards the Government of the United States? It is impossible. Whether there will ever appear among them another Philip of Mount Hope, another Tecumseh, to rally their tribes against us, we know not; but we have ample experience, in the late contest with the Winnebagoes, and in the present attitude of the Creeks and Seminoles, to teach us the necessity of being on our guard in this matter. Concentrated as they are and will be on the borders of Arkansas and Missouri, in communication with the savage tribes of the Mexican territory, and through them with the Mexican republic itself, and in control of the vast plains of the heart of the continent, they have it in their power to be either highly serviceable to the frontier settlements of the United States, or deeply injurious, by the congenial warfare of those great savannas, where men are capable of rapid change of place by means of the horse, and never want the readiest and most effective of cavalry weapons, the lance, with which so many of the celebrated battles of Spanish America, as Bojaca, Junin, Ayacucho, have been won. To make the Indians our hearty friends, we should enter, at once, into plans of conciliation and of political fellowship, suited to the object. Meanwhile, to prepare against the contingency of war in that quarter, and to prevent even its approaches, we need a continuous line of posts along the Western frontiers, a *cordon militaire*, for our own defence, and for the restraint of the Indians. Whatever augmentation of the army this necessity may call for, let us grant, promptly, freely, manfully, without being terrified from our duty by the apprehension that a regiment more or less of regular troops can affect in any way the inextinguishable devotion to liberty which inspires the American people.

For myself, I shall continue, in the discussion of this matter, to look with a steady eye to the single point of the exigencies of the public service. No secondary consideration shall distract my thoughts, no incidental objects divert my attention, from the only true question in all these cases, that is, what does the general interest of the country, as such, require? In this, I am fixed and re-

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